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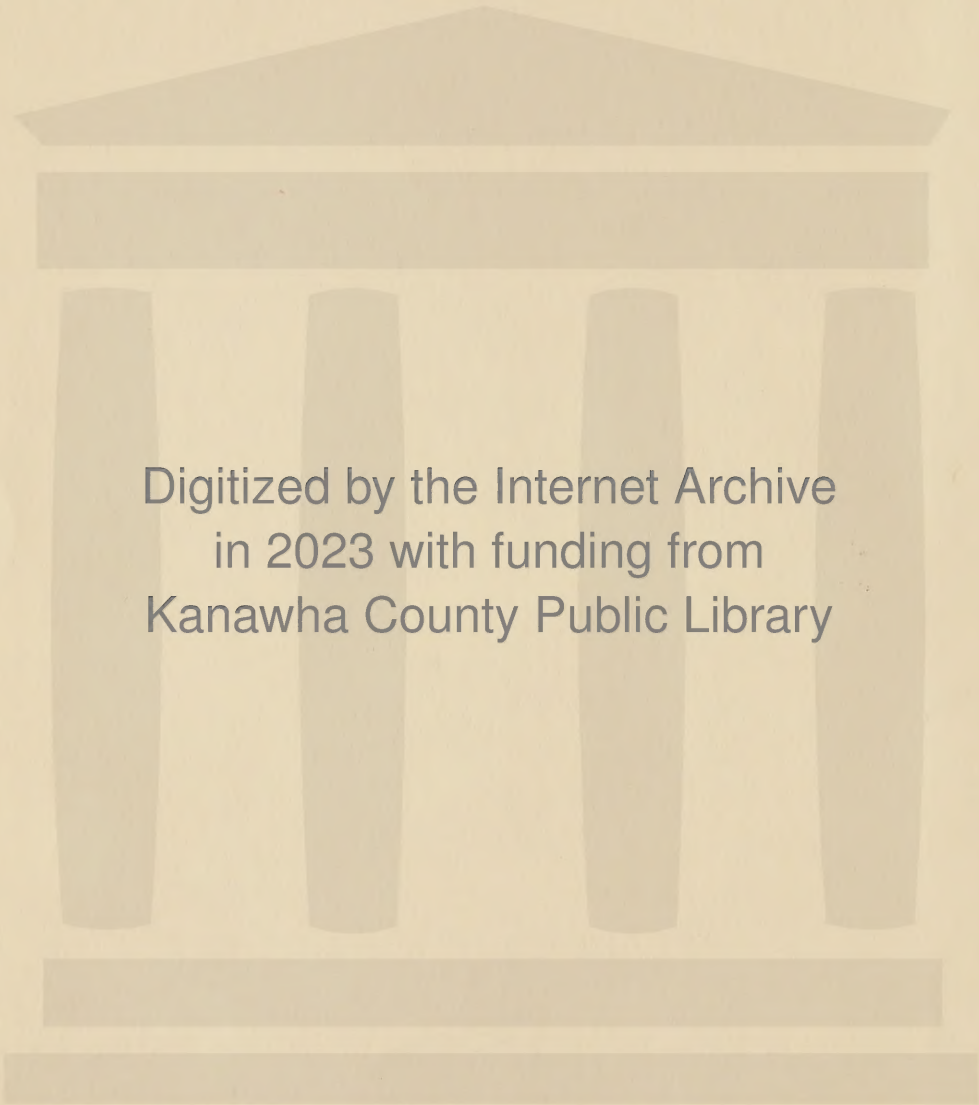
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MINUTES OF A MEETING OF THE

BOARD OF DIRECTORS

KANAWHA COUNTY PUBLIC LIBRARY

HELD ON

AUGUST 3, 1956

The regular meeting of the Library Board of the Kanawha County Public Library was held on August 3, 1956, at 4:00 p.m. in the Board Room of the Library.

The following members were present:

Mr Ray, Chairman
Mrs Anderson
Dr Cook
Mr Hanson
Colonel Phillips
Dr Pianfetti
Dr Sibley
Mr Williamson
Mr Young

The Librarian acted as secretary and reported that a quorum was present.

The minutes of the July 13, 1956, meeting were approved.

Librarian's Monthly Report. The Librarian read his report on the activities of the library for the month of July. It was ordered received and filed, and the Librarian was authorized to publish such parts of it as he saw fit to publish.

Reports of Committees.

Special Committee on Library Income. Mr Hanson reported that on Monday, July 30, 1956, Mr Ray, Mr Hanson and Mr Williamson had appeared before the Finance Committee of the Charleston City Council, which granted them a hearing on the library's request for $50,000 from the City of Charleston for operating expenses of the library for the fiscal year ending June 30, 1957.

After a full discussion the Chairman of the Finance Committee announced that it would include $25,000 for the library in the budget of the City of Charleston for the library's operating expenses, provided the County Court of Kanawha County would include at least a like amount in the budget, and provided the Kanawha County Board of Education would provide the balance of the library's operating expenses.

Mr Hanson further reported that Mr Ray, Mr Hanson and Mr Williamson had appeared before the members of the County Court of Kanawha County on Wednesday, August 1, and had discussed the needs of the library with them. The members of the County Court neither approved nor disapproved the library's request for financial support, stating that they did not at that time know what the county's income for the current fiscal year would be.

The Special Committee was directed to continue its efforts to obtain support for the library from the City of Charleston and the Kanawha County Court, and various steps to be taken toward that end were considered.

Approval of Bills. Dr Cook moved, Colonel Phillips seconding, that the bills (Lists Nos. 388 and 389) be approved and sent to the Board of Education for payment. The motion passed.

UNFINISHED BUSINESS

Librarian's Annual Report. The Librarian reported that the Annual Report for 1955/1956 had been printed in 750 copies at a cost of $104. 665 copies had been mailed and 95 copies remain on hand.

Library Board Membership for Mr Lovenstein. The Librarian reported that he had submitted the name of Mr L. K. Lovenstein to the Board of Education for appointment as a member of the Library Board, after having learned from

Mr Lovenstein that he would be willing to accept such an appointment.

Personnel and Salary Changes. The Librarian reported the following personnel and salary changes effective August 1956, which he stated are in accord with the salary scales:

Name	Effective Date	August Salary Only	Position
Hourly Employees			
Marilyn Dee McKnight	August 1	$100.12	Page, Boys and Girls Dept.
Nancy Ringel	August 1	105.00	Page, Boys and Girls Dept.
Mary Kay Plovanich	August 1	40.12	Page, Boys and Girls Dept.
Peggy Ann Douglas	August 1	25.50	Page, Circulation Dept.
Hobert Farrell	August 1	102.75	Page, Circulation Dept.
Donald Greenlee	August 1	60.75	Page, Circulation Dept.
Thomas Whaley	August 1	24.75	Page, Circulation Dept.
Larry Matheney	August 1	51.00	Page, Extension Dept.
Paul V. Watson	August 1	76.50	Page, Extension Dept.
Employment			
Sandra Sue Farrell	August 1	73.25	Page, Circulation Dept.
Betty Sexton	August 1	139.55	Clerk Assistant
Substitute Employment			
John W. Myers	August 1	4.16	Substitute Janitor
Thelma Amick	Aug. 1-31 incl.	255.72	Substitute Librarian
Clarice Lorene Bailes	Aug. 1-24 incl.	233.10	Substitute Librarian
Nancy Woodyard	Aug. 1-31 incl.	139.00	Substitute Clerk
Edward Ray Adkins	Aug. 6-20 incl.	104.96	Substitute Bookmobile driver
Linda Jo Dugan	Aug. 1	15.00	Substitute Page
Resignations			
Alice Ringel	July 31	No check due her	Page
Patricia Plovanich	July 31	No check due her	Page
Bonnie Faye Hudnall	July 31	No check due her	Clerk Assistant
Leave of Absence Without Pay			
Mary Ringel	July 1-31	No check due her	Clerk Assistant

On motion duly made, seconded, and carried all the foregoing changes were ratified, approved, and confirmed.

There being no further business, the meeting on motion adjourned.

Chairman

Secretary

MINUTES OF A MEETING OF THE

BOARD OF DIRECTORS

KANAWHA COUNTY PUBLIC LIBRARY

HELD ON

SEPTEMBER 7, 1956

The regular meeting of the Library Board of the Kanawha County Public Library was held on September 7, 1956, at 4:00 in the Board Room of the Library.

The following members were present:

Dr Cook, Acting Chairman
Mrs Anderson
Mrs Brown
Mr Lovenstein
Colonel Phillips
Dr Sibley

The Librarian acted as secretary and reported that a quorum was present.

The minutes of the August 3, 1956 meeting were approved.

Librarian's Monthly Report. The Librarian read his report on the activities of the library for the month of August. He was instructed to publish such parts of the report as he saw fit to publish.

Approval of Bills. Colonel Phillips moved, Mrs Anderson seconding, that the bills (Lists Nos. 390 and 391) be approved and sent to the Board of Education for payment. The motion passed.

UNFINISHED BUSINESS

Library Board Memberships. The Librarian reported that a letter dated August 6, 1956 had been received from the Superintendent of Schools in which the following appointments to the Library were confirmed.

For six year terms ending June 30, 1962

Mrs Margaret Anderson
Mr Virgil L. Flinn
Dr R. L. Sibley

To serve the unexpired term of the late Judge Arthur P. Hudson ending on June 30, 1957

Mr L. K. Lovenstein

NEW BUSINESS

Position Vacancy. The Librarian reported that the library has a vacancy in the Circulation Department. He stated that Mrs Sura M. Bart, age 62 was an applicant for the position. Mrs Bart meets the educational and experience requirements for the job, has been interviewed at the library, and has indicated a desire to join the staff. The Librarian recommended that she be appointed.

It was moved by Colonel Phillips, seconded by Mrs Anderson and unanimously

RESOLVED, That Mrs Sura M. Bart be appointed Circulation Librarian Assistant effective September 17, 1956, at an initial salary of $3,595.

Personnel and Salary Changes. The Librarian reported the following personnel and salary changes effective September 1956, which he stated are in accord with the salary scales:

Name	Effective Date	September Salary Only	Position
Hourly Employees			
Peggy Ann Douglas	Sept. 1	$37.50	Page, Circulation Dept.
Hobert Farrell	Sept. 1	79.50	Page, Circulation Dept.
Sandra Sue Farrell	Sept. 1	57.75	Page, Circulation Dept.
Donald Greenlee	Sept. 1	33.75	Page, Circulation Dept.
Thomas F. Whaley	Sept. 1	56.25	Page, Circulation Dept.
Larry Matheney	Sept. 1	60.75	Page, Extension Dept.
Paul V. Watson	Sept. 1	58.50	Page, Extension Dept.
Mary Kay Plovanich	Sept. 1	46.50	Page, Boys and Girls Dept.
Resignations			
Nancy Ringel	Aug. 31	No check due her	Page, Boys and Girls Dept.
Marilyn Dee McKnight	Aug. 31	No check due her	Page, Boys and Girls Dept.
Marcella Kramer	Sept. 20	230.72	Boys and Girls Librarian Assistant

Name	Effective Date	September Salary Only	Position
Employment			
Mary Ellen Fitzgerald	Sept. 1	54.00	Page, Boys and Girls Dept.
Emma Jo Coffey	Sept. 1	19.50	Page, Boys and Girls Dept.
Norma Thompson	Sept. 1	26.25	Page, Boys and Girls Dept.
Linda Jo Dugan	Sept. 1	108.00	Clerk Assistant 3/4 Time
Sura Margolies Bart	Sept. 17	$299.59 ($149.76 for Sept. only)	Circulation Librarian Assistant
Return From Leave and Salary Change		**Salary Change From- To-**	
Mary Ringel	Sept. 1	$144.55 $149.55	Clerk Assistant, B&G Dept.
Salary Changes			
Juliette Bryson	Sept. 1	443.99 460.29	Chief Circulation Librarian
Substitute Employment			
Jo Anne Woodyard	Sept. 1	25.50	Page, Boys and Girls Dept.
Thomas DeLauder	Sept. 10-	42.55	Truck driver

On motion duly made, seconded, and carried all the foregoing changes were ratified, approved, and confirmed.

There being no further business, the meeting on motion adjourned.

Acting Chairman

Secretary

MINUTES OF A SPECIAL MEETING

OF THE

LIBRARY BOARD

KANAWHA COUNTY PUBLIC LIBRARY

HELD ON

SEPTEMBER 24, 1956

A special meeting of the Library Board, called pursuant to the provisions of the Section 3, Article II, of the By-Laws, was held on September 24, 1956, at 3:00 p.m. in the Board Room of the Library to consider the resignation of the Librarian and the appointment of a successor.

The following members were present:

Mr Ray, President
Mrs Brown
Mr Dickinson
Mr Hanson
Mr Lovenstein
Colonel Phillips
Mr Shonk

Mr Ray, the President, presided. The Librarian acted as Secretary and reported that a quorum was present.

The Chairman announced the resignation of Mr Crum as Librarian of the Kanawha County Public Library, to accept appointment as Director of the Kalamazoo (Michigan) Public Library, and presented Mr Crum's letter of resignation, which was read and is as follows:

> "A little more than four years have passed since the library Board appointed me to the Head Librarianship of the Kanawha County Public Library. They have been years characterized by cooperation and harmonious effort toward the solution of library service and fiscal problems. They have been, for me, valuable years of service and of both personal and professional growth.
>
> "Now, an opportunity has come to accept the directorship of another public library - one with an expanding program of service and of building construction which will further

stretch and refine my library administration skills. Its location will make it possible for me to undertake advanced academic work in library science through attendance at summer school. I sincerely believe that I will be able to contribute substantially to the growth and development of this library and its staff, as I have tried to do during my tenure at the Kanawha County Public Library.

"My first debt of gratitude is to you and to the members of the Library Board who chose to entrust me with the conduct of the library's affairs. My largest debt of gratitude is to the staff - extremely loyal to the institution, devoted to public library service and cognizant of the advantages in working together for the betterment of that service - who have stood with the librarian and the board in whatever they have been asked to do and under whatever conditions they were, of necessity, asked to accept.

"I herewith submit my resignation as Librarian of the Kanawha County Public Library, effective on or about November 30, 1956.

"Again, may I say thank you for the many opportunites given me here. I have enjoyed and will continue to value this experience as I go on in public library work."

Mr Shonk moved that the following resolution be adopted:

RESOLVED, That it is with sincere regret that the Board learns of the resignation of Mr Mark Crum as Head Librarian of the Kanawha County Public Library. During the more than four years in which the affairs of the Library have been conducted him him it has shown a substantial growth in circulation and registered borrowers, and an expansion in the scope of services. Mr Crum and members of his staff have, at his suggestion, made many appearances before various groups and forums explaining the functions and services of the Library, making the community increasingly aware of the Library's existence. The effects of all these activities are most gratifying to the Board.

Appreciating the opportunites which will be afforded Mr Crum in his new position, though reluctant to have him leave Charleston,

BE IT RESOLVED, FURTHER,
That the resignation of Mr Crum be accepted and that the best wishes of this Board be extended to him for a successful career in librarianship in the new position he has accepted.

Colonel Phillips seconded the motion. The motion carried.

The Chairman then stated that Mr Nicholas Winowich had applied for the position of Librarian. Mr Crum reported on Mr Winowich's educational background, his library experience, and appraisals of his performance obtained from the former Branch Librarian of the Homewood Branch of the Carnegie Library of Pittsburgh, the Associate Dean of the Carnegie Library School, and the Personnel Director of the Carngie Library of Pittsburgh. Mr Ray reported his reactions and judgment of Mr Winowich obtained during an extended luncheon interview.

The Board, in an informal discussion, decided that an additional trip to Charleston by Mr Winowich would not be likely to produce any further information about his qualifications for the position. After a thorough discussion of the candidate's experience, training, references, salary and related matters the following resolution, made by Colonel Phillips and seconded by Mr Shonk was unanimously carried:

> RESOLVED, That Nicholas Winowich be elected Librarian of the Kanawha County Public Library at an annual salary of $6,000 effective October 24, 1956.

Mr Dickinson moved that the following letter be sent to the Mayor of the City of Charleston, expressing thanks for the $25,000 appropriation for library operating expenses during the fiscal year 1956/1957:

> "In making an appropriation of $25,000 for operating expenses of the Kanawha County Public Library during 1956/1957, the Mayor and the members of the Charleston City Council have demonstrated their conviction that free and convenient access to magazines, newspapers and books is essential in a democracy, and their belief that public library book-loan and question-answering services should be financed by the governmental authority whose citizens the library serves.

"The Library Board of the Kanawha County Public Library, on its own behalf and on behalf of the users of the Library, wishes to commend and thank the Mayor and the Charleston City Council for assumption of part of the financial responsibility for the provision of public library service during the current fiscal year.

The motion was seconded by Mr Hanson, and, upon a vote being taken, was carried unanimously.

There being no further business, the meeting on motion adjourned.

President

Secretary

MINUTES OF A MEETING OF THE

BOARD OF DIRECTORS

KANAWHA COUNTY PUBLIC LIBRARY

HELD ON

OCTOBER 5, 1956

The regular meeting of the Library Board of the Kanawha County Public Library was held on October 5, 1956, at 4:00 p.m. in the Board Room of the Library.

The following members were present:

Mr Hanson, Acting Chairman
Mrs Anderson
Dr Cook
Mr Lovenstein
Colonel Phillips
Dr Pianfetti
Dr Sibley
Mr Williamson
Mr Young

The Librarian acted as secretary and reported that a quorum was present.

The minutes of the September 7, 1956, meeting were approved.

The Acting Chairman asked that the members of the Library Board observe a moment of silence in tribute to Mrs J. R. Thomas, board member, who died on October 2, 1956.

Resolution on the Life and Service to the Library of Nancy Ruth Baker Thomas. Upon motion by Colonel Phillips, seconded by Mr Williamson, the following resolution was adopted unanimously.

RESOLVED, That it is with profound sorrow that we record the death of our fellow board member, Nancy Ruth Baker Thomas on October 2, 1956, in Charleston, West Virginia.

A woman of warm personality and great personal charm, Mrs Thomas was affectionately regarded by both the Library Board and the library staff. Her deep civic interest was appreciated by all.

Appointed to the Library Board in January 1954, Mrs Thomas quickly informed herself in library matters and problems. Thereafter, she manifested a keen interest in the welfare of the Kanawha County Public Library.

Mrs Thomas made her interest concrete by inquiry into the needs of the library, and through the generous gift of chairs to furnish the then newly opened music room, and;

RESOLVED FURTHER,

That a copy of this resolution be transmitted to each of the children of Nancy Ruth Baker Thomas that we may extend to them and to the members of the family an expression of our sincere sympathy and heartfelt condolence.

Librarian's Monthly Report. The Librarian read his report on the activities of the library for the month of September. The report concluded with a statement of need for a $167,000 library budget for 1956/1957. The Librarian was instructed to publish such parts of the report as he saw fit to publish.

Approval of Bills. Dr Cook moved, Colonel Phillips seconding, that the bills (Lists Nos. 392 and 393) be approved and sent to the Board of Education for payment. The motion passed.

UNFINISHED BUSINESS

Resignation and Appointment of Head Librarian. The Acting Chairman commented that, at a special meeting of the Library Board held on September 24, 1956, the Librarian, Mr Mark Crum, had submitted his resignation, which was subsequently accepted with regret. The Acting Chairman spoke also of the

election of Mr Nicholas Winowich to the Head Librarianship, effective October 24, 1956, at that same special meeting. The Secretary stated that Mr Winowich's name had been forwarded to the Board of Education for appointment. The Superintendent of Schools then stated that the Board of Education had officially appointed Mr Winowich Head Librarian at an initial salary of $6,000, effective October 24, 1956. The Librarian was authorized to release appropriate publicity to the newspapers concerning Mr Winowich's appointment.

Library 1956/1957 Budget. The Superintendent of Schools announced that the Board of Education would be able to give the library $20,000 more than it had originally budget for library operation during 1956/1957, bringing the Board of Education appropriation to $126,000. The $25,000 expected from the city would bring the total 1956/1957 budget to $151,000.

The Acting Chairman pointed out that this would leave the library $16,875 short of the $167,875 needed for operating expenses, and asked for discussion on what should be done to make up the difference. The Librarian made an impassioned statement on the need for a full $167,875 budget, explaining the effect upon the book collection, staff, plant and library services of a lesser budget. At the conclusion of the discussion it was moved by Colonel Phillips, seconded by Mrs Anderson and unanimously

RESOLVED, That the Special Committee on Library Income be continued in being, that its members discuss the library budgetary problem and that it pursue every possibility of obtaining additional income for the library for the current fiscal year, including a second approach to the County Court.

NEW BUSINESS

Personnel and Salary Changes. The Librarian reported the following personnel and salary changes effective October 1956, which he stated are in accord with the salary scales:

Name	Effective Date	October Salary Only	Position
Hourly Employees			
Peggy Ann Douglas	Oct. 1	$40.70	Page, Circulation Dept.
Sandra Sue Farrell	Oct. 1	60.75	Page, Circulation Dept.
Hobart Farrell	Oct. 1	60.75	Page, Circulation Dept.
Thomas F. Whaley	Oct. 1	60.75	Page, Circulation Dept.
Larry Matheney	Oct. 1	60.75	Page, Extension Department
Paul V. Watson	Oct. 1	60.75	Page, Extension Department
Norma Jean Thompson	Oct. 1	15.00	Page, Boys and Girls Dept.
Mary Kay Plovanich	Oct. 1	49.50	Page, Boys and Girls Dept.
Emma Jo Coffey	Oct. 1	43.50	Page, Boys and Girls Dept.
		Salary Month-To-Month Basis	
Employment			
Jack Dugan	Oct. 1	60.75	Page, Circulation Dept.
Nicholas Winowich	Oct. 24	$500.00 ($129.64 for Oct. only)	Head Librarian
		Salary Changes From- To-	
Salary Changes			
Maxine Mollohan	Oct. 1	$144.55 $149.55	Clerk Assistant
Frances Gerard	Oct. 1	311.23 322.88	Reference Librarian Assistant
Resignation			
Donald Greenlee	Sept. 25	No check due him	Page, Circulation Dept.

On motion duly made, seconded, and carried all the foregoing changes were ratified, approved, and confirmed.

There being no further business, the meeting on motion adjourned.

Acting Chairman

Secretary

MINUTES OF A MEETING OF THE

BOARD OF DIRECTORS

KANAWHA COUNTY PUBLIC LIBRARY

HELD ON

NOVEMBER 9, 1956

The regular meeting of the Library Board of the Kanawha County Public Library was held on November 9, 1956, at 4:00 p.m. in the Board Room of the Library.

The following members were present:

Mr Ray, President
Mrs Anderson
Mrs Brown
Mr Dickinson
Mr Hanson
Mr Lovenstein
Dr Pianfetti
Colonel Phillips
Mr Shonk
Mr Williamson

The Librarian acted as secretary and reported that a quorum was present.

The minutes of the October 5, 1956, meeting were approved.

Librarian's Monthly Report. The Librarian read his report on the activities of the library for the month of October. At the conclusion of the report, some questions were raised regarding teachers' loans and collections. The Librarian was instructed to publish such parts of the report as he saw fit to publish.

Correspondence Received. The Librarian read a letter from Mr Mark Crum, a letter from Mrs Nancy Thomas Ragland and a letter from Mr L. Newton Thomas; and on motion they were ordered to be filed.

Reports of Committees

Special Committee on Library Income. Mr Hanson reviewed briefly the work of his special committee on library income. In the discussion which followed, it was reported that the Kanawha County Court could not make an appropriation to the library later in the fiscal year although it might then have surplus funds, because to do so would be a violation of a West Virginia statute.

Approval of Bills. Colonel Phillips moved, Dr Pianfetti seconding, that the bills (Lists Nos. 394 and 395) be approved and sent to the Board of Education for payment. The motion passed.

UNFINISHED BUSINESS

Library Budget 1956/1957. The Librarian presented the budget for the year 1956/1957. He reported that the budget represented a great deal of thought and consideration, saying that it was based on Mr Crum's recommendations and knowledge of over-all conditions. The Librarian added that it had become necessary to make certain readjustments in the budget as reported by the Budget Committee, because it had been definitely determined that the funds requested would not be available. This became known on October 30, 1956, when a letter was received from the County Superintendent of Schools, which set forth the final appropriation figure to be $151,000. ($126,000 from the Kanawha County Board of Education and $25,000 from the City of Charleston). On the said sum of $151,000, the budget was submitted to the Board for its approval.

On motion by Mr Lovenstein, seconded by Mr Shonk, it was ordered that the staff salaries be rounded out to the nearest dollar, instead of odd cents as presented in the budget. Following discussion relating to salaries and

books, it was moved by Mr Dickinson and seconded by Colonel Phillips that the amended budget be accepted as submitted by the Librarian. The motion was carried.

NEW BUSINESS

Check Received from the City of Charleston. Mr Ray informed the board that a check in the sum of $12,500 had been received from the City of Charleston, as one-half of its contribution for the support of the library during the current fiscal year. The President was directed to endorse the said check on behalf of Kanawha County Public Library and transmit it to the Board of Education, for proper disbursement. The Chairman then extended the appreciation of the Board to Mr Shonk for his efforts in obtaining the appropriation by the Mayor and the Council of the City of Charleston, as well as his assistance in arranging that the fund be disbursed through the Board of Education.

Personnel and Salary Changes. The Librarian reported the following personnel and salary changes effective November 1956, which he stated are in accord with the salary scales:

Name	Effective Date	November Salary Only	Position
Hourly Employees			
Emma Jo Coffey	Nov. 1	$42.00	Page, Boys and Girls Dept.
Mary Kay Plovanich	Nov. 1	48.00	Page, Boys and Girls Dept.
Norma Jean Thompson	Nov. 1	15.00	Page, Boys and Girls Dept.
Peggy Ann Douglas	Nov. 1	39.00	Page, Circulation Dept.
Jack Dugan	Nov. 1	58.50	Page, Circulation Dept.
Hobert Farrell	Nov. 1	58.50	Page, Circulation Dept.
Sandra Sue Farrell	Nov. 1	58.50	Page, Circulation Dept.
Thomas F. Whaley	Nov. 1	60.00	Page, Circulation Dept.
Larry Matheney	Nov. 1	58.50	Page, Extension Dept.
Paul V. Watson	Nov. 1	58.50	Page, Extension Dept.
Mary Ellen Fitzgerald	Nov. 1	57.00	Page, Boys and Girls Dept.

Name	Effective Date	November Salary Only	Position
Substitute Employment			
Robert Lee Weaver	Nov. 12-16 incls	86.52	Sub. Bookmobile Driver
Resignation			
Harold Prunty	Nov. 1	7.60	Janitor
Employment			
Moses Colbert	Nov. 7	$190.00 (for Nov. pay $152.00)	Janitor

		Salary Changes From-	To-	
Salary Changes				
Lorena Ammar	Nov. 1	$256.55	$280.00	Librarian's Secretary
Eugenia Lee Albu	Nov. 1	162.55	195.00	Special Clerk, Office
Jo Anne Campolio	Nov. 1	139.55	175.00	Senior Clerk
Betty Ann Dawson	Nov. 1	217.55	235.00	Order Clerk
Mary Greene	Nov. 1	154.55	190.00	Senior Clerk
Joyce Isner	Nov. 1	149.55	180.00	Senior Clerk
Linda Jo Dugan	Nov. 1	108.00	131.00	Senior Clerk 3/4 time
Beverley Fleck	Nov. 1	144.55	185.00	Senior Clerk
Maxine Mollohan	Nov. 1	149.55	185.00	Senior Clerk
Mary Ringel	Nov. 1	149.55	185.00	Senior Clerk
Betty Sexton	Nov. 1	139.55	175.00	Senior Clerk
Christine Parrish	Nov. 1	139.55	175.00	Senior Clerk
Carolyn Smith	Nov. 1	69.50	87.50	Senior Clerk 1/2 time
Alice Wilkerson	Nov. 1	69.50	87.50	Senior Clerk 1/2 time
Ninnetta Mae Thomas	Nov. 1	162.55	195.00	Special Clerk, Ext. Dept.
Charles Lander	Nov. 1	250.55	260.00	Building Superintendent
Charles F. House	Nov. 1	230.55	240.00	Bookmobile Driver
Fred Skiles	Nov. 1	200.55	210.00	Janitor

On motion duly made, seconded, and carried all the foregoing changes were ratified, approved, and confirmed.

There being no further business, the meeting on motion adjourned.

John V. Ray
Chairman

Faithlee Winovich
Secretary

KANAWHA COUNTY PUBLIC LIBRARY

Budget 1956/1957

Salaries		
Professional	$58,134.00	
Non-professional	41,772.00	
Substitutes	1,773.00	
		$101,679.00
Books		
Books	22,000.00	
Binding	3,200.00	
Periodicals	1,900.00	
		$ 27,100.00
Other Expenses		
Salaries - Building	8,007.00	
Repairs and maintenance	1,634.00	
Utilities	4,650.00	
Service Contracts	897.00	
Building Supplies	240.00	
Office Supplies	2,700.00	
Insurance	794.00	
Vehicles Supplies	1,250.00	
Furniture and Equipment	717.00	
Travel	775.00	
Printing	402.00	
Membership	55.00	
Contingencies	100.00	22,221.00
		$151,000.00

MINUTES OF A MEETING OF THE

BOARD OF DIRECTORS

KANAWHA COUNTY PUBLIC LIBRARY

HELD ON

DECEMBER 7, 1956

The regular meeting of the Library Board of the Kanawha County Public Library was held on December 7, 1956, at 4:00 p.m. in the Board Room of the Library.

The following members were present:

Dr Cook, Acting Chairman
Mrs Anderson
Mr Flinn
Colonel Phillips
Dr Riggleman
Mr Young

The Librarian acted as secretary and reported that a quorum was present.

The minutes of the November 9, 1956, meeting were approved.

Librarian's Monthly Report. The Librarian read his report on the activities of the library for the month of November. The report was accepted and the librarian was instructed to publish such parts of it as he saw fit.

Correspondence Received. The Librarian read a letter of appreciation from Mr and Mrs Nicholas Winowich for the tea held in their honor given by the Library Board. On motion the letter was ordered to be filed.

Report of Committees. There were no committee reports.

Approval of Bills. Colonel Phillips moved, Mr Flinn seconding, that the bills (Lists Nos. 396 and 397) be approved and sent to the Board of Education for payment. The motion passed.

NEW BUSINESS

Personnel and Salary Changes. The Librarian reported the following and salary changes effective December 1956, which he stated are in accord with the salary scales:

Name	Effective Date	December Salary Only	Position
Hourly Employees			
Mary Ellen Fitzgerald	Dec. 1	$60.00	Page, Boys and Girls Dept.
Emma Jo Coffey	Dec. 1	48.00	Page, Boys and Girls Dept.
Mary Kay Plovanich	Dec. 1	31.25	Page, Boys and Girls Dept.
Norma Jean Thompson	Dec. 1	23.25	Page, Boys and Girls Dept.
Peggy Ann Douglas	Dec. 1	39.00	Page, Circulation Dept.
Jack Dugan	Dec. 1	58.50	Page, Circulation Dept.
Hobert Farrell	Dec. 1	21.50	Page, Circulation Dept.
Sandra Sue Farrell	Dec. 1	58.50	Page, Circulation Dept.
Thomas Whaley	Dec. 1	58.50	Page, Circulation Dept.
Larry Matheney	Dec. 1	69.75	Page, Extension Dept.
Paul V. Watson	Dec. 1	47.25	Page, Extension Dept.
Resignation			
Moses Colbert	Nov. 30	No check due him	Janitor
Mary E. Greene	Dec. 19	121.60	Senior Clerk, Catalog Dept.
Temporary Employment			
Thomas DeLauder	Dec. 6, 13	18.40	Temporary truck driver
Willie Earl Betts	Dec. 1, 3, 4	22.80	Janitor
Peter Pontius	Dec. 5-31	70.40	Janitor
Employment			
Jerry R. Jeffrey	Dec. 13	36.00	Page, Circulation Dept.
Salary Changes		Salary Change From- To-	
Charles F. House	Dec. 1	$240.00 $257.08 (for Dec. only)	Bookmobile Driver

On motion duly made, seconded, and carried all the foregoing changes were ratified, approved, and confirmed.

There being no further business, the meeting on motion adjourned.

Acting Chairman

Nicholas Winowich
Secretary

MINUTES OF A MEETING OF THE

BOARD OF DIRECTORS

KANAWHA COUNTY PUBLIC LIBRARY

HELD ON

JANUARY 11, 1957

The regular meeting of the Library Board of the Kanawha County Public Library was held on January 11, 1957, at 4:00 p.m. in the Board Room of the Library.

The following members were present:

Mr Ray, Chairman
Mrs Brown
Dr Cook
Mr Flinn
Mr Lovenstein
Dr Pianfetti

The Librarian acted as secretary and reported that a quorum was present.

The minutes of the December 7, 1956, meeting were approved.

Librarian's Monthly Report. The Librarian read his report on the activities of the library for the month of December. At the conclusion of the report, some questions were raised concerning accident insurance and state and local history materials. The Librarian was instructed to publish such parts of the report as he saw fit to publish.

Report of Committees. There were no committee reports.

Approval of Bills. Mr Flinn moved, Mr Lovenstein seconding, that the bills (Lists Nos. 398 and 399) be approved and sent to the Board of Education for payment. The motion passed.

NEW BUSINESS

ALA Midwinter Meeting. Mr Flinn moved, Dr Cook seconding, that the Board approved the payment of expenses for the Head Librarian permitting him to attend

the American Library Association Midwinter Meeting at Chicago, January 29-February 2, 1957. The motion passed.

Proposed Library Bill. The Chairman submitted a copy of the bill which will be introduced at the current session of the West Virginia Legislature, the provisions of which direct the Board of Education of the County of Kanawha, the County Court of Kanawha County and the City of Charleston to lay a levy annually for the support, maintenance and operation of the Kanawha County Public Library.

In commenting on the bill the Chairman pointed out its more important features:

> The Library Board will be a corporate body.
>
> The Board of Education of the County of Kanawha will continue to appoint members to the library, which it has done since 1923 (and very satisfactorily).
>
> The Board of Education will handle the funds of the library, disbursing them as directed by the Library Board.
>
> The Library Board will specify the rate of tax on each classification of property to be levied by each governing authority.

The Chairman stated that he deemed the maximum rates specified in the bill to be desirable, although it is unlikely that the maximum rate be levied in the near future. The maximum rates on the present valuations will produced approximately $325,000.00, whereas, in his opinion, for the next few years the library will need annually about $175,000.00 for operating expenses and $50,000.00-$75,000.00 for remodeling the library building. The Chairman pointed out that if the bill becomes law the Board of Education will provide 40% of the cost of the library, instead of 100% (which it has furnished prior to 1956/1957).

At the conclusion of the Chairman's presentation, Mr Lovenstein said that the Board of Education had briefly discussed the bill at its January 10 meeting and that it would like to meet with the Library Board. It was agreed that an informal meeting be scheduled for January 15 at the Daniel Boone Hotel at 12:15 p.m.

Mr Lovenstein moved, Dr Pianfetti seconding, that the Chairman appoint a special legislative committee, which will be charged with the duty of getting the bill passed by the legislature. The motion passed, and the Chairman appointed the following members to serve: Messrs. Hanson, Flinn, Kleeman, Williamson, Cook, Phillips, Shonk, Ray and Mrs Anderson.

The Librarian was instructed to mail a copy of the proposed library bill to each member who was not present; and it was ordered that a copy of it be filed with the minutes of the meeting.

Personnel and Salary Changes. The Librarian reported the following personnel and salary changes effective January 1957, which he stated are in accord with the salary scale:

Name	Effective Date	January Salary Only	Position
Hourly Employees			
Emma Jo Coffey	Jan. 1	$42.00	Page, Boys and Girls Dept.
Mary Kay Plovanich	Jan. 1	48.00	Page, Boys and Girls Dept.
Norma Jean Thompson	Jan. 1	15.00	Page, Boys and Girls Dept.
Peggy Ann Douglas	Jan. 1	40.50	Page, Circulation Dept.
Jack Dugan	Jan. 1	60.75	Page, Circulation Dept.
Sandra Sue Farrell	Jan. 1	60.75	Page, Circulation Dept.
Jerry R. Jeffrey	Jan. 1	60.75	Page, Circulation Dept.
Thomas F. Whaley	Jan. 1	60.75	Page, Circulation Dept.
Larry Matheney	Jan. 1	60.75	Page, Extension Department
Paul V. Watson	Jan. 1	60.75	Page, Extension Department
Mary Ellen Fitzgerald	Jan. 1	60.00	Page, Boys and Girls Dept.
Resignations			
Mark L. Crum, Jr.	Nov. 30	No check due him	Librarian
Hobart Farrell	Dec. 31	No check due him	Page
Eugenia Lee Albu	Dec. 31	No check due her	Special Clerk, Office

Name	Effective Date	Salary Month-To-Month Basis	Position
Employment			
Patricia Anne Seidel	Jan. 1	$175.00	Clerk Assistant
James De Berry	Jan. 1	190.00	Janitor
Paula Mae Pfost	Jan. 1	190.00	Special Clerk, Office
Temporary Employment			
Thomas DeLauder	Jan. 2, 3	16.10	Truck Driver
Peter Pontius	Jan. 2, 3	14.30	Janitor
Mary Louise Periello	Jan. 2	175.00	Clerk Assistant
Leave of Absence Without Pay			
Joyce Isner	Jan. 5	27.69	Clerk Assistant

On motion duly made, seconded, and carried all the foregoing changes were ratified, approved, and confirmed.

There being no further business, the meeting on motion adjourned.

Chairman

Secretary

House Bill No. _____.

(By Messrs._____and_____.)

(Introduced January _____, 1957; referred to the Committee on_____

_____.)

A BILL to establish the Kanawha County Public Library to serve the residents of the city of Charleston and of the county of Kanawha; to create a library board with power to operate the said public library; to provide a stable method of financing the operation of the said public library; and to confer upon the employees of the said public library the benefits of chapter twenty-three, article seven A of chapter eighteen, article seven of chapter five and chapter twenty-one A of the Code of West Virginia, one thousand nine hundred thirty-one, as presently amended.

Be it enacted by the Legislature of West Virginia:

Section 1. Kanawha County Public Library Created. There is hereby created a public library, which shall be known as the "Kanawha County Public Library," which shall be supported by the board of education of the county of Kanawha, the county court of Kanawha County and the city of Charleston, as a joint endeavor of the three governing authorities in the manner hereinafter prescribed.

Section 2. Board of Directors; Appointment, Powers and Duties. There shall be a board of eighteen directors, who shall serve without compensation. Before the first day of July, one thousand nine hundred fifty-seven, the board of education of the county of Kanawha shall appoint the members of the said board of

directors, appointing three persons for one year, three persons for two years, three persons for three years, three persons for four years, three persons for five years and three persons for six years, respectively, the term of office commencing July first, one thousand nine hundred fifty-seven. Their respective successors shall be appointed for a term of six years each, except that any person appointed to fill a vacancy occurring before the expiration of the term vacated shall serve only for the unexpired term. A member shall be eligible for reappointment. The board of education of the county of Kanawha may remove any director for cause which it deems sufficient. There shall be an annual meeting of the board of directors on the first Friday in July in each year; and a monthly meeting on the day in each month which the board may designate in its by-laws. A special meeting may be called by the president, the secretary or any two members of the board, and shall be held only after all the directors are given notice thereof. At all meetings four members shall constitute a quorum. At each annual meeting the board of directors shall elect, from its membership, a president, a vice-president, a secretary and a treasurer; provided, however, that the librarian may be elected secretary and/or treasurer. The board of directors shall adopt such by-laws, rules and regulations as are necessary for its own guidance and for the administration, supervision and protection of the library and all property belonging thereto. The board of directors shall have all the powers necessary, convenient and advisable for the proper operation, equipment and management of the said library; and, except as otherwise specially provided in this act, shall have the powers and be subject to the duties which are conferred and imposed, respectively, upon library directors by sections six, seven, eight, nine, ten and eleven of article one of chapter ten of the Code of West Virginia, one thousand nine hundred thirty-one, as presently amended. The board of directors shall have the benefits arising out of the creation and continuance of the state library commission of West Virginia.

Section 3. Library Board to be a Corporation. The board of directors of the public library hereby created shall be a corporation; and as such it may contract and be contracted with, sue and be sued, plead and be impleaded, and shall have and use a common seal.

Section 4. Title to Property. The title to all property, both real and personal, now devoted to public library purposes by the board of education of the county of Kanawha in connection with the operation by it of a public library in the city of Charleston and the county of Kanawha shall, on July first, one thousand nine hundred fifty-seven, vest in the public library hereby created.

Section 5. Financing. In order to provide for the support, maintenance and operation of the public library hereby created, and any and all branches thereof, the supporting governing authorities shall, upon written request by its board of directors, levy annually as follows within the respective taxing districts of the governing authorities, on each one hundred dollars of assessed valuation of the property taxable in the area served by it according to the last assessment for state and county purposes, amounts not exceeding the following amounts for the fiscal year beginning July first, one thousand nine hundred fifty-seven, and for each succeeding fiscal year, as follows: by the board of education of the county of Kanawha, class one, one cent; class two, two cents; class three, four cents; class four, four cents; by the county court of Kanawha county, class one, one cent; class two, two cents; class three, four cents; class four, four cents; and by the city of Charleston, class one, one cent; class two, two cents; class four, four cents. Each year the board of directors shall request each of the three governing authorities to levy the same amount on each one hundred dollars of assessed valuation of property of the same class, and the amount of the levy on the

respective classes of property shall be in the same ratio as the maximum amount of levy on the said classes of property authorized herein. In addition to the aforesaid amounts which, upon written request by the board, the governing authorities shall levy, each governing authority may support the public library with any other general or special revenues or excess levies. All income realized by the operation of the public library from any sources other than the above levies shall be used by the board of directors for the support and maintenance of the public library.

Section 6. Disbursements. All money collected or appropriated by the three governing authorities for library purposes shall be deposited in a special account of the board of education of the county of Kanawha, and shall be disbursed by it, as directed by the board of directors, for salaries, wages, books, magazines, pamphlets, papers, pictures, records, machinery, equipment, supplies, services and other costs and expenses of operating the public library and maintaining, repairing and replacing its property, as well as acquiring additional property.

Section 7. Status of Employees. All employees of the public library hereby created shall be deemed to be employees of the board of education of the county of Kanawha, in so far as the provisions of chapter twenty-three, article seven A of chapter eighteen, article seven of chapter five and chapter twenty-one A of the Code of West Virginia, one thousand nine hundred thirty-one, as presently amended, are concerned; and the board of education of the county of Kanawha shall be reimbursed from the funds of the public library for all expenditures made for premiums and other costs in accordance with the provisions of the said statutes.

Section 8. Effect of Future Amendments of General Law. Amendments to article one, chapter ten of the Code of West Virginia, one thousand nine hundred thirty-one, as amended, and other general laws shall control this act only to the extent that they do not conflict with the special features hereof, or unless the intent to amend this act is clear and unmistakable.

Section 9. Severability. If any provision hereof is held invalid, such invalidity shall not affect other provisions hereof which can be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable.

Senate Bill No. _____.

(By Messrs._____and_____.)

(Introduced January _____, 1957; referred to the Committee on_____

_____.)

A BILL to establish the Kanawha County Public Library to serve the residents of the city of Charleston and of the county of Kanawha; to create a library board with power to operate the said public library; to provide a stable method of financing the operation of the said public library; and to confer upon the employees of the said public library the benefits of chapter twenty-three, article seven A of chapter eighteen, article seven of chapter five and chapter twenty-one A of the Code of West Virginia, one thousand nine hundred thirty-one, as presently amended.

Be it enacted by the Legislature of West Virginia:

Section 1. Kanawha County Public Library Created. There is hereby created a public library, which shall be known as the "Kanawha County Public Library," which shall be supported by the board of education of the county of Kanawha, the county court of Kanawha County and the city of Charleston, as a joint endeavor of the three governing authorities in the manner hereinafter prescribed.

Section 2. Board of Directors; Appointment, Powers and Duties. There shall be a board of eighteen directors, who shall serve without compensation. Before the first day of July, one thousand nine hundred fifty-seven, the board of education of the county of Kanawha shall appoint the members of the said board of

directors, appointing three persons for one year, three persons for two years, three persons for three years, three persons for four years, three persons for five years and three persons for six years, respectively, the term of office commencing July first, one thousand nine hundred fifty-seven. Their respective successors shall be appointed for a term of six years each, except that any person appointed to fill a vacancy occurring before the expiration of the term vacated shall serve only for the unexpired term. A member shall be eligible for reappointment. The board of education of the county of Kanawha may remove any director for cause which it deems sufficient. There shall be an annual meeting of the board of directors on the first Friday in July in each year; and a monthly meeting on the day in each month which the board may designate in its by-laws. A special meeting may be called by the president, the secretary or any two members of the board, and shall be held only after all the directors are given notice thereof. At all meetings four members shall constitute a quorum. At each annual meeting the board of directors shall elect, from its membership, a president, a vice-president, a secretary and a treasurer; provided, however, that the librarian may be elected secretary and/or treasurer. The board of directors shall adopt such by-laws, rules and regulations as are necessary for its own guidance and for the administration, supervision and protection of the library and all property belonging thereto. The board of directors shall have all the powers necessary, convenient and advisable for the proper operation, equipment and management of the said library; and, except as otherwise specially provided in this act, shall have the powers and be subject to the duties which are conferred and imposed, respectively, upon library directors by sections six, seven, eight, nine, ten and eleven of article one of chapter ten of the Code of West Virginia, one thousand nine hundred thirty-one, as presently amended. The board of directors shall have the benefits arising out of the creation and continuance of the state library commission of West Virginia.

Section 3. Library Board to be a Corporation. The board of directors of the public library hereby created shall be a corporation; and as such it may contract and be contracted with, sue and be sued, plead and be impleaded, and shall have and use a common seal.

Section 4. Title to Property. The title to all property, both real and personal, now devoted to public library purposes by the board of education of the county of Kanawha in connection with the operation by it of a public library in the city of Charleston and the county of Kanawha shall, on July first, one thousand nine hundred fifty-seven, vest in the public library hereby created.

Section 5. Financing. In order to provide for the support, maintenance and operation of the public library hereby created, and any and all branches thereof, the supporting governing authorities shall, upon written request by its board of directors, levy annually as follows within the respective taxing districts of the governing authorities, on each one hundred dollars of assessed valuation of the property taxable in the area served by it according to the last assessment for state and county purposes, amounts not exceeding the following amounts for the fiscal year beginning July first, one thousand nine hundred fifty-seven, and for each succeeding fiscal year, as follows: by the board of education of the county of Kanawha, class one, one cent; class two, two cents; class three, four cents; class four, four cents; by the county court of Kanawha county, class one, one cent; class two, two cents; class three, four cents; class four, four cents; and by the city of Charleston, class one, one cent; class two, two cents; class four, four cents. Each year the board of directors shall request each of the three governing authorities to levy the same amount on each one hundred dollars of assessed valuation of property of the same class, and the amount of the levy on the

respective classes of property shall be in the same ratio as the maximum amount of levy on the said classes of property authorized herein. In addition to the aforesaid amounts which, upon written request by the board, the governing authorities shall levy, each governing authority may support the public library with any other general or special revenues or excess levies. All income realized by the operation of the public library from any sources other than the above levies shall be used by the board of directors for the support and maintenance of the public library.

Section 6. Disbursements. All money collected or appropriated by the three governing authorities for library purposes shall be deposited in a special account of the board of education of the county of Kanawha, and shall be disbursed by it, as directed by the board of directors, for salaries, wages, books, magazines, pamphlets, papers, pictures, records, machinery, equipment, supplies, services and other costs and expenses of operating the public library and maintaining, repairing and replacing its property, as well as acquiring additional property.

Section 7. Status of Employees. All employees of the public library hereby created shall be deemed to be employees of the board of education of the county of Kanawha, in so far as the provisions of chapter twenty-three, article seven A of chapter eighteen, article seven of chapter five and chapter twenty-one A of the Code of West Virginia, one thousand nine hundred thirty-one, as presently amended, are concerned; and the board of education of the county of Kanawha shall be reimbursed from the funds of the public library for all expenditures made for premiums and other costs in accordance with the provisions of the said statutes.

Section 8. Effect of Future Amendments of General Law. Amendments to article one, chapter ten of the Code of West Virginia, one thousand nine hundred thirty-one, as amended, and other general laws shall control this act only to the extent that they do not conflict with the special features hereof, or unless the intent to amend this act is clear and unmistakable.

Section 9. Severability. If any provision hereof is held invalid, such invalidity shall not affect other provisions hereof which can be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable.

MINUTES OF A MEETING OF THE

BOARD OF DIRECTORS

KANAWHA COUNTY PUBLIC LIBRARY

HELD ON

FEBRUARY 8, 1957

The regular meeting of the Library Board of the Kanawha County Public Library was held on February 8, 1957, at 4:00 p.m. in the Board Room of the Library.

The following members were present:

Mr Hanson, Acting Chairman
Mrs Brown
Dr Cook
Mr Dickinson
Mr Shonk
Dr Sibley
Mr Williamson

The Librarian acted as secretary and reported that a quorum was present.

The minutes of the January 11, 1957, meeting were approved.

Librarian's Monthly Report. The Librarian read his account of the activities of the various departments of the library for the preceding month. At the conclusion of the report, a brief discussion ensued. As a result of interest shown, in a soon to be acquired gift, the Librarian added in detail how the Knights of Columbus of Charleston agreed to purchase a set of Catholic Encyclopedia for presentation to the library. The Librarian requested and received an expression that such endeavors are in the best interests of the library. The Librarian was instructed to publish any parts of the report as he saw fit to be published.

Reports of Committees.

Special Legislative Committee. The Acting Chairman reviewed the activities of the committee to date. Dr Cook and Mr Shonk, who also reported for Colonel Phillips, were called upon to report on their interviews with the members of the Senate Committee on Counties, Districts and Municipalities, and their comments were favorable. The Librarian was instructed to mail to Senator Anderson and Senator Carey that part of the Librarian's Report concerning the increase in circulations and registrations.

Approval of Bills. Mr Shonk moved, Dr Cook seconding, that the bills (Lists Nos. 400 and 401) be approved and sent to the Board of Education for payment. The motion passed.

NEW BUSINESS

Kanawha Welfare Council. Mr Shonk moved, Mr Dickinson seconding, that Mrs Anderson and the Librarian continue to represent the Library Board on the Kanawha Welfare Council.

Personnel and Salary Changes. The Librarian reported the following personnel and salary changes effective February 1957, which he stated are in accord with the salary scale:

Name	Effective Date	February Salary Only	Position
Hourly Employees			
Mary Ellen Fitzgerald	Feb. 1	$54.00	Page,Boys and Girls Dept.
Emma Jo Coffey	Feb. 1	18.75	Page, Boys and Girls Dept.
Mary Kay Plovanich	Feb. 1	45.00	Page, Boys and Girls Dept.
Norma Jean Thompson	Feb. 1	15.00	Page, Boys and Girls Dept.
Peggy Ann Douglas	Feb. 1	36.00	Page, Circulation Dept.
Jack Dugan	Feb. 1	54.00	Page, Circulation Dept.
Sandra Sue Farrell	Feb. 1	54.00	Page, Circulation Dept.
Jerry R. Jeffrey	Feb. 1	57.00	Page, Circulation Dept.
Thomas Whaley	Feb. 1	54.00	Page, Circulation Dept.

Name	Effective Date	February Salary Only	Position
Hourly Employees			
Larry Matheney	Feb. 1	$54.00	Page, Extension Dept.
Paul V. Watson	Feb. 1	54.00	Page, Extension Dept.
Resignations			
Mary Ringel	Feb. 4	23.13	Clerk Assistant
		Salary Change	
Salary Changes		From- To-	
Carolyn Louise Smith	Feb. 1	$87.50 $90.00	Senior Clerk - Half Time
Ninnetta Mae Thomas	Feb. 1	195.00 200.00	Special Clerk, Ext. Dept.
Temporary Employment			
Mary Louise Periello	Feb. 1-28	175.00	Senior Clerk, Ext. Dept.
Thomas DeLauder	Feb. 14 only	8.05	Truck Driver
Employment			
Alice Rose Ringel	Feb. 1	175.00	Senior Clerk, B&G Dept.
Leave of Absence Without Pay			
Joyce Isner	Feb. 1-28	No check due her	Senior Clerk, Ext. Dept.

On motion duly made, seconded, and carried all the foregoing changes were ratified, approved, and confirmed.

There being no further business, the meeting on motion adjourned.

Acting Chairman

Nicholas Klimowich
Secretary

MINUTES OF A MEETING OF THE

BOARD OF DIRECTORS

KANAWHA COUNTY PUBLIC LIBRARY

HELD ON

MARCH 15, 1957

The regular meeting of the Library Board of the Kanawha County Public Library was held on March 15, 1957, at 4:00 p.m. in the Board Room of the Library.

The following members were present:

Mr Ray, Chairman
Mrs Anderson
Mr Flinn
Colonel Phillips
Mr Shonk

The Librarian acted as secretary and reported that a quorum was present.

The minutes of the February 8, 1957 meeting were approved.

Librarian's Monthly Report. The Librarian read his report on the activities of the library for the month of February. The Librarian was instructed to publish any parts of the report as he saw fit to be published.

Reports of Committees

Special Legislative Committee. The Chairman reviewed the history and aspects of our Special Library Bill. Following general discussion, the Chairman extended his thanks and appreciation to the people who worked so assiduously for the passage of the Library Bill. He then reported on the Kanawha Welfare Council Luncheon meeting of March 13, 1957 at the Ruffner Hotel in which he, Mr Lovenstein, representing the Kanawha County Board of Education; Mayor Copenhaver of Charleston; and Mr A. H. Glenn, representing Kanawha County Court,

participated. The program was a panel discussion, "Crisis Facing the Kanawha County Public Library."

Approval of Bills. Colonel Phillips moved, Mr Flinn seconding, that the bills (Lists Nos. 402 and 403) be approved and sent to the Board of Education for payment. The motion passed.

NEW BUSINESS

Phonograph Records. Mr Shonk moved, Mrs Anderson seconding, that the unwanted phonograph records which the Kanawha County Public Library had accumulated over the past few years be given to the St. Albans Public Library. The motion passed.

Position Vacancy. The Librarian reported that Miss Ivy Hardin had resigned as Chief Reference Librarian effective March 31, 1957. The Librarian recommended that Miss Frances Gerard, who is now serving as Assistant Reference Librarian, be promoted to Chief Reference Librarian. It was moved by Mr Flinn, seconded by Mrs Anderson and unanimously

RESOLVED, That Miss Frances Gerard be promoted from Assistant Reference Librarian to Chief Reference Librarian effective March 21, 1957 at an annual salary of $4,252.80.

St. Albans Library. Colonel Phillips reported that he had received a letter from the Library Board of the St. Albans Public Library which states their needs in terms of funds for the operation of a branch library in St. Albans, and the employment of a professionally trained librarian to replace Miss Elizabeth Quarrier who is expected to retire shortly. In the discussion which followed, the possibility of amending the special library bill at the next session of the legislature was introduced, and thereby permit the St. Albans and South Charleston libraries to raise funds by a levy for the support

of their libraries, with the money to be used locally.

Personnel and Salary Changes. The Librarian reported the following personnel and salary changes effective March, which he stated are in accord with the salary scale:

Name	Effective Date	March Salary Only	Position
Hourly Employees			
Mary Ellen Fitzgerald	March 1	$62.25	Page, Boys and Girls Dept.
Emma Jo Coffey	March 1	39.00	Page, Boys and Girls Dept.
Mary Kay Plovanich	March 1	34.50	Page, Boys and Girls Dept.
Norma Jean Thompson	March 1	21.50	Page, Boys and Girls Dept.
Peggy Ann Douglas	March 1	39.00	Page, Circulation Dept.
Jack Dugan	March 1	58.50	Page, Circulation Dept.
Sandra Sue Farrell	March 1	58.50	Page, Circulation Dept.
Jerry R. Jeffrey	March 1	60.00	Page, Circulation Dept.
Thomas F. Whaley	March 1	58.50	Page, Extension Dept.
Larry Matheney	March 1	58.50	Page, Extension Dept.
Temporary Employment			
Peter Pontius	Feb. 27-28 March 1-23	162.04	Janitor
Margaret Vitello	March 1	32.25	Page, Boys and Girls Dept.
Mary Louise Pierrello	March 1	175.00	Senior Clerk, Ext. Dept.
Resignations			
James DuBerry	March 6	36.55	Janitor
Paul V. Watson	Feb. 28	No check due him	Page, Extension Department
Ivy Hardin	March 31	354.39	Chief Reference Librarian
		Salary Changes From- To-	
Salary Changes			
Alice Wilkerson	March 1	$87.50 $90.00	Half-Time Senior Clerk
Employment			
Carl Adams	March 8	190.00 (for March pay $146.50	Janitor
William D. Lovejoy	March 1	58.50	Page, Extension Department
Promotion			
Frances Gerard	March	354.39 (for March pay $133.81)	From Assistant Reference Librarian to Chief Reference Librarian

Name	Effective Date	March Salary Only	Position
Leave of Absence Without Pay			
Joyce Isner	March 1-31	No check due her	Senior Clerk, Extension Dept.

On motion duly made, seconded, and carried all the foregoing changes were ratified, approved, and confirmed.

There being no further business, the meeting on motion adjourned.

John W. Ray
Chairman

Nicholas Winowich
Secretary

House Bill No. 161

(By Mr. Davis and Mr. Jones)

[Introduced January 23, 1957; referrence to a Committee dispensed with.]

A BILL to establish the Kanawha county public library to serve the residents of the city of Charleston and of the county of Kanawha; to create a library board with power to operate the said public library; to provide a stable method of financing the operation of the said public library; and to confer upon the employees of the said public library the benefits of chapter twenty-three, article seven-a, chapter eighteen, article seven, chapter five and chapter twenty-one-a of the code of West Virginia, one thousand nine hundred thirty-one.

Be it enacted by the Legislature of West Virginia:

Section 1. *Kanawha County Public Library Created.*—
There is hereby created a public library, which shall be
known as the "Kanawha County Public Library," which
shall be supported by the board of education of the county

of Kanawha, the county court of Kanawha county and the city of Charleston, as a joint endeavor of the three governing authorities in the manner hereafter prescribed.

Sec. 2. *Board of Directors; Appointment, Powers and Duties.*—There shall be a board of eighteen directors, who shall serve without compensation. Before the first day of July, one thousand nine hundred fifty-seven, the board of education of the county of Kanawha shall appoint the members of the said board of directors, appointing three persons for one year, three persons for two years, three persons for three years, three persons for four years, three persons for five years and three persons for six years, respectively, the term of office commencing July first, one thousand nine hundred fifty-seven. Their respective successors shall be appointed for a term of six years each, except that any person appointed to fill a vacancy occurring before the expiration of the term vacated shall serve only for the unexpired term. A member shall be eligible for reappointment. The board of education of the county of Kanawha may remove any director for cause which it deems sufficient. There shall be an annual meeting of the

board of directors on the first Friday in July in each year; and monthly meeting on the day in each month which the board may designate in its by-laws. A special meeting may be called by the president, the secretary or any two members of the board, and shall be held only after all the directors are given notice thereof. At all meetings four members shall constitute a quorum. At each annual meeting the board of directors shall elect, from its membership, a president, a vice-president, a secretary and a treasurer: *Provided, however,* That the librarian may be elected secretary and/or treasurer. The board of directors shall adopt such by-laws, rules and regulations as are necessary for its own guidance and for the administration, supervision and protection of the library and all property belonging thereto. The board of directors shall have all the powers necessary, convenient and advisable for the proper operation, equipment and management of the said library; and, except as otherwise specially provided in this act, shall have the powers and be subject to the duties which are conferred and imposed, respectively, upon library directors by sections six, seven, eight, nine,

ten and eleven of article one of chapter ten of the Code of West Virginia, one thousand nine hundred thirty-one, as presently amended. The board of directors shall have the benefits arising out of the creation and continuance of the state library commission of West Virginia.

Sec. 3. *Library Board to be a Corporation.*—The board of directors of the public library hereby created shall be a corporation; and as such it may contract and be contracted with, sue and be sued, plead and be impleaded, and shall have and use a common seal.

Sec. 4. *Title to Property.*—The title to all property, both real and personal, now devoted to public library purposes by the board of education of the county of Kanawha in connection with the operation by it of a public library in the city of Charleston and the county of Kanawha shall, on July first, one thousand nine hundred fifty-seven, vest in the public library hereby created.

Sec. 5. *Financing.*—In order to provide for the support, maintenance and operation of the public library hereby created, and any and all branches thereof, the supporting governing authorities shall, upon written request by its

board of directors, levy annually as follows within the respective taxing districts of the governing authorities, on each one hundred dollars of assessed valuation of the property taxable in the area served by it according to the last assessment for state and county purposes, amounts not exceeding the following amounts for the fiscal year beginning July first, one thousand nine hundred fifty-seven, and for each succeeding fiscal year, as follows: by the board of education of the county of Kanawha, class one, one cent; class two, two cents; class three, four cents; class four, four cents; by the county court of Kanawha county, class one, one cent; class two, two cents; class three, four cents; class four, four cents; and by the city of Charleston, class one, one cent; class two, two cents; class four, four cents. Each year the board of directors shall request each of the three governing authorities to levy the same amount on each one hundred dollars of assessed valuation of property of the same class, and the amount of the levy on the respective classes of property shall be in the same ratio as the maximum amount of levy on the said classes of property authorized herein. In addition to

the aforesaid amounts which, upon written request by the board, the governing authorities shall levy, each governing authority may support the public library with any other general or special revenues or excess levies. All income realized by the operation of the public library from any sources other than the above levies shall be used by the board of directors for the support and maintenance of the public library.

Sec. 6. *Disbursements.*—All money collected or appropriated by the three governing authorities for library purposes shall be deposited in a special account of the board of education of the county of Kanawha, and shall be disbursed by it, as directed by the board of directors, for salaries, wages, books, magazines, pamphlets, papers, pictures, records, machinery, equipment, supplies, services and other costs and expenses of operating the public library and maintaining, repairing and replacing its property, as well as acquiring additional property.

Sec. 7. *Status of Employees.*—All employees of the public library hereby created shall be deemed to be employees of the board of education of the county of Kanawha,

insofar as the provisions of chapter twenty-three, article seven-a, chapter eighteen, article seven, chapter five and chapter twenty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as presently amended, are concerned; and the board of education of the county of Kanawha shall be reimbursed from the funds of the public library for all expenditures made for premiums and other costs in accordance with the provisions of the said statutes.

Sec. 8. *Effect of Future Amendments of General Law.*—Amendments to article one, chapter ten of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and other general laws shall control this act only to the extent that they do not conflict with the special features hereof, or unless the intent to amend this act is clear and unmistakable.

Sec. 9. *Severability.*—If any provision hereof is held invalid, such invalidity shall not affect other provisions hereof which can be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable.

ENROLLED

House Bill No. 161

(By Mr. Davis and Mr. Jones)

[Passed March 6, 1957; in effect ninety days from passage.]

AN ACT to establish the Kanawha county public library to serve the residents of the city of Charleston and of the county of Kanawha; to create a library board with power to operate the said public library; to provide a stable method of financing the operation of the said public library; and to confer upon the employees of the said public library the benefits of chapter twenty-three, article seven-a, chapter eighteen, article seven, chapter five and chapter twenty-one-a of the code of West Virginia, one thousand nine hundred thirty-one.

Be it enacted by the Legislature of West Virginia:

Section 1. *Kanawha County Public Library Created.*—There is hereby created a public library, which shall be known as the "Kanawha County Public Library," which shall be supported by the board of education of the county of Kanawha, the county court of Kanawha county and the

city of Charleston, as a joint endeavor of the three governing authorities in the manner hereafter prescribed.

Sec. 2. *Board of Directors; Appointment, Powers and Duties.*—There shall be a board of eighteen directors, who shall serve without compensation. Before the first day of July, one thousand nine hundred fifty-seven, the board of education of the county of Kanawha shall appoint the members of the said board of directors, appointing three persons for one year, three persons for two years, three persons for three years, three persons for four years, three persons for five years and three persons for six years, respectively, the term of office commencing July first, one thousand nine hundred fifty-seven. Their respective successors shall be appointed for a term of six years each, except that any person appointed to fill a vacancy occurring before the expiration of theterm vacated shall serve only for the unexpired term. A member shall be eligible for reappointment. The board of education of the county of Kanawha may remove any director for cause which it deems sufficient. There shall be an annual meeting of the board of directors on the first Friday in July in each year;

and a monthly meeting on the day in each month which the board may designate in its by-laws. A special meeting may be called by the president, the secretary or any two members of the board, and shall be held only after all the directors are given notice thereof. At all meetings four members shall constitute a quorum. At each annual meeting the board of directors shall elect, from its membership, a president, a vice president, a secretary and a treasurer: *Provided, however,* That the librarian may be elected secretary and/or treasurer. The board of directors shall adopt such by-laws, rules and regulations as are necessary for its own guidance and for the administration, supervision and protection of the library and all property belonging thereto. The board of directors shall have all the powers necessary, convenient and advisable for the proper operation, equipment and management of the said library; and, except as otherwise specially provided in this act, shall have the powers and be subject to the duties which are conferred and imposed, respectively, upon library directors by sections six, seven, eight, nine, ten and eleven of article one of chapter ten of the code

of West Virginia, one thousand nine hundred thirty-one, as presently amended. The board of directors shall have the benefits arising out of the creation and continuance of the state library commission of West Virginia.

Sec. 3. *Library Board to be a Corporation.*—The board of directors of the public library hereby created shall be a corporation; and as such it may contract and be contracted with, sue and be sued, plead and be impleaded, and shall have and use a common seal.

Sec. 4. *Title to Property.*—The title to all property, both real and personal, now devoted to public library purposes by the board of education of the county of Kanawha in connection with the operation by it of a public library in the city of Charleston and the county of Kanawha shall, on July first, one thousand nine hundred fifty-seven, vest in the public library hereby created.

Sec. 5. *Financing.*—In order to provide for the support, maintenance and operation of the public library hereby created, and any and all branches thereof, the supporting governing authorities shall, upon written request by its board of directors, levy annually as follows within the

respective taxing districts of the governing authorities, on each one hundred dollars of assessed valuation of the property taxable in the area served by it according to the last assessment for state and county purposes, amounts not exceeding the following amounts for the fiscal year beginning July first, one thousand nine hundred fifty-seven, and for each succeeding fiscal year, as follows: by the board of education of the county of Kanawha, class one, one cent; class two, two cents; class three, four cents; class four, four cents; by the county court of Kanawha county, class one, one cent; class two, two cents; class three, four cents; class four, four cents; and by the city of Charleston, class one, one cent; class two, two cents; class four, four cents. Each year the board of directors shall request each of the three governing authorities to levy the same amount on each one hundred dollars of assessed valuation of property of the same class, and the amount of the levy on the respective classes of property shall be in the same ratio as the maximum amount of levy on the said classes of property authorized herein. In addition to the aforesaid amounts which, upon written request by

the board, the governing authorities shall levy, each governing authority may support the public library with any other general or special revenues or excess levies. All income realized by the operation of the public library from any sources other than the above levies shall be used by the board of directors for the support and maintenance of the public library.

Sec. 6. *Disbursements.*—All money collected or appropriated by the three governing authorities for library purposes shall be deposited in a special account of the board of education of the county of Kanawha, and shall be disbursed by it, as directed by the board of directors, for salaries, wages, books, magazines, pamphlets, papers, pictures, records, machinery, equipment, supplies, services and other costs and expenses of operating the public library and maintaining, repairing and replacing its property, as well as acquiring additional property.

Sec. 7. *Status of Employees.*—All employees of the public library hereby created shall be deemed to be employees of the board of education of the county of Kanawha, insofar as the provisions of chapter twenty-three, article

seven-a; chapter eighteen, article seven; chapter five and chapter twenty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as presently amended, are concerned; and the board of education of the county of Kanawha shall be reimbursed from the funds of the public library for all expenditures made for premiums and other costs in accordance with the provisions of the said statutes.

Sec. 8. *Effect of Future Amendments of General Law.*—Amendments to article one, chapter ten of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and other general laws shall control this act only to the extent that they do not conflict with the special features hereof, or unless the intent to amend this act is clear and unmistakable.

Sec. 9. *Severability.*—If any provision hereof is held invalid, such invalidity shall not affect other provisions hereof which can be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect ..... passage

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker, House of Delegates

The within ..... this the .....

day of ....., 1957.

Governor

MINUTES OF A MEETING OF THE

BOARD OF DIRECTORS

KANAWHA COUNTY PUBLIC LIBRARY

HELD ON

APRIL 12, 1957

The regular meeting of the Library Board of the Kanawha County Public Library was held on April 12, 1957, at 4:00 p.m. in the Board Room of the Library.

The following members were present:

Mr Ray, Chairman
Mr Hanson
Colonel Phillips
Dr Pianfetti
Dr Riggleman
Dr Sibley

The Librarian acted as secretary and reported that a quorum was present.

The minutes of the March 15, 1957, were approved.

Librarian's Monthly Report. The Librarian read his report on the activities of the library for the month of March. The report was accepted and the Librarian was instructed to publish any parts of the report as he saw fit to be published.

Reports of Committees. There were no committee reports.

Approval of Bills. Colonel Phillips moved, Mr Hanson seconding, that the bills (Lists Nos. 400 and 401) be approved and sent to the Board of Education for payment. The motion passed.

NEW BUSINESS

Elevator. The Librarian reported on the revised cost figures for an

elevator installation. Discussion which followed resulted in no action being taken at this time.

Chamber of Commerce Report. The Librarian introduced the Chamber of Commerce plan which would relocate the public library to an area bounded by Reynolds and Brown Streets. Following some discussion, no action was taken at this time.

AIA Annual Conference. The Librarian stated that Miss Juliette Bryson had indicated a desire to attend the ALA summer conference this year. It was moved by Colonel Phillips, seconded by Dr Riggleman and unanimously

> RESOLVED, That the expenses of the Librarian be paid and that an allowance of $75 be given to the staff member for attendance at the AIA Summer Conference in Kansas City, June 23-29, 1957.

St. Albans Library. Colonel Phillips reported on the action he had taken in answer to a letter he had received earlier from the St. Albans Public Library.

By-Laws. The Librarian was asked to gather and prepare information concerning by-laws for the library board which would be organized on July 1, 1957.

Personnel and Salary Changes. The Librarian reported the following personnel and salary changes effective April, which he stated are in accord with the salary scale:

Name	Effective Date	April Salary Only	Position
Hourly Employees			
Emma Jo Coffey	April 1	$41.25	Page, Boys and Girls Dept.
Mary Kay Plovanich	April 1	49.50	Page, Boys and Girls Dept.
Norma Jean Thompson	April 1	8.25	Page, Boys and Girls Dept.
Peggy Ann Douglas	April 1	39.00	Page, Circulation Dept.
Jack Dugan	April 1	58.50	Page, Circulation Dept.
Sandra Sue Farrell	April 1	58.50	Page, Circulation Dept.

Name	Effective Date	April Salary Only	Position
Hourly Employees			
Jerry R. Jeffrey	April 1	$60.00	Page, Circulation Dept.
Thomas F. Whaley	April 1	58.50	Page, Circulation Dept.
William D. Lovejoy	April 1	58.50	Page, Circulation Dept.
Larry Matheney	April 1	58.50	Page, Extension Dept.
Employment			
Margaret Vitiello	April 1	59.25	Page, Boys and Girls Dept.
Barbara Rose Schumann	April 22	$175.00 (for April pay $53.84)	Senior Clerk, Circ. Dept.
Temporary Employment			
Beverley Hall	April 1	5.25	Page, Boys and Girls Dept.
Mary Ellis	April 1	48.44	Reference Librarian
Hazel Fisher	April 1	72.66	Reference Librarian
Mary Louise Pierrello	April 1	175.00	Senior Clerk, Ext. Dept.
Peter Pontius	April 1	27.60	Janitor
Resignations			
Patricia Seidel	April 13	80.84	Senior Clerk, Catalog Dept.
Mary Ellen Fitzgerald	March 31	No check due her	Page, Boys and Girls Dept.

Salary Changes		Salary Change From-	To-	
Josephine Ann Goff	April 1	$175.00	$180.00	Senior Clerk, Circulation Dep
Leave of Absence Without Pay				
Joyce Isner	April 1-30	No check due her		Senior Clerk, Ext. Dept.

On motion duly made, seconded, and carried all the foregoing changes were ratified, approved, and confirmed.

There being no further business, the meeting on motion adjourned.

Chairman

Nicholas Winowich
Secretary

MINUTES OF A MEETING OF THE

BOARD OF DIRECTORS

KANAWHA COUNTY PUBLIC LIBRARY

HELD ON

MAY 10, 1957

The regular meeting of the Library Board of the Kanawha County Public Library was held on May 10, 1957, at 4:00 p.m. in the Board Room of the Library.

The following members were present:

Mr Ray
Mrs Anderson
Dr Cook
Mr Dickinson
Mr Lovenstein
Dr Riggleman

The President presided. The Librarian acted as secretary and reported that a quorum was present.

The minutes of the April 12, 1957, meeting were approved.

Librarian's Monthly Report. The Librarian read his report on the various departmental activities of the library for the month of April. At the conclusion of the report, some questions were asked as to book discarding and the library policy regarding gifts of money. After discussion of these topics, the report was accepted and ordered filed and the Librarian was instructed to publish any parts of the report as he might deem desirable.

Reports of Committees. There were no committee reports.

Approval of Bills. Dr Cook moved, Mr Dickinson seconding, that the bills (Lists Nos. 404 and 405) be approved and sent to the Board

of Education for payment. The motion passed.

UNFINISHED BUSINESS

By-Laws. A proposed set of By-Laws for the new library corporation, prepared by the Librarian, was referred to a Special Committee on Organization, which was on motion, seconded and carried, duly created, composed of the following members: Mr Ray, Chairman, Mr Flinn, Mr Hanson, Mr Kleeman and Mr Williamson.

NEW BUSINESS

Position Vacancies. The Librarian reported that a vacancy exists in the Reference Department. He stated that Mrs Ida Andrus Bullen, age 33, of State College, Mississippi, was a candidate for the position. Mr Winowich reported on Mrs Bullen's educational background, her library experience and appraisals of her personality and performance obtained from the Director of the Atlanta Public Library, Mississippi Regional Library at Tombigbee, State Plant Board of Mississippi, and the assistant director of Emory Library School at Atlanta. The Librarian recommended that she be appointed.

It was moved by Dr Riggleman, seconded by Mr Lovenstein and unanimously

> RESOLVED, That Mrs Ida Andrus Bullen be appointed Reference Librarian Assistant effective July 1, 1957, at an annual salary of $3,595.

The Librarian reported that Mr Charles F. House, bookmobile driver, was retiring effective June 3, 1957. The application of Mr George Patterson, as a replacement, was approved and accepted.

Gifts. Upon motion by Mr Lovenstein, seconded by Mr Dickinson, the following resolution was adopted unanimously:

> RESOLVED, That in the matter of gifts of money, it shall be the policy of the Library to welcome and accept such gifts as are made without any conditions or obligations attached thereto which would tend to defeat the purposes of the library.

Reorganization. It was the sense of the meeting that the Special Committee on Organization should without delay prepare, for the approval of the Library Board, a plan for the organization of the new library corporation, which must be set up on July 1, 1957, including the names of nominees for its board of directors, which names will be submitted to the Board of Education of Kanawha County for consideration at its June meeting.

Personnel and Salary Changes. The Librarian reported the following personnel and salary changes effective May 1957, which he stated are in accord with the salary scale:

Name	Effective Date	May Salary Only	Position
Hourly Employees			
Emma Jo Coffey	May 1	$42.00	Page, Boys and Girls Dept.
Mary Kay Plovanich	May 1	48.00	Page, Boys and Girls Dept.
Norma Jean Thompson	May 1	15.50	Page, Boys and Girls Dept.
Peggy Ann Douglas	May 1	40.50	Page, Circulation Dept.
Jack Dugan	May 1	60.75	Page, Circulation Dept.
Sandra Sue Farrell	May 1	60.75	Page, Circulation Dept.
Jerry F. Jeffrey	May 1	60.75	Page, Circulation Dept.
Thomas F. Whaley	May 1	60.75	Page, Circulation Dept.
William D. Lovejoy	May 1	60.75	Page, Extension Department
Larry Matheney	May 1	60.75	Page, Extension Department
Margaret Vitiello	May 1	58.50	Page, Boys and Girls Dept.
Resignations			
Maxine Mollohan	May 31	185.00	Senior Clerk, Extension Dept
Joanne Goff	May 9	55.36	Senior Clerk, Circulation De

Name	Effective Date	May Salary Only	Position
Employment			
Mary Marcella Mays	May 20	$215.00 (for May pay $82.65)	Order Clerk, Catalog Dept.
Marjorie Lucille Cooke	May 27	$175.00 (for May Dept. pay $26.92)	Senior Clerk, Circulation
Leave of Absence Without Pay			
Joyce Isner	May 1-31	No check due her	Senior Clerk, Extension Dept.
Fred Skiles	May 6-11	$161.52	Janitor
Temporary Employment			
Mary Pieriello	May 1-31	175.00	Senior Clerk, Extension Dept.
Hazel Fisher	May 1-31	72.66	Reference Librarian
Mary Ellis	May 1-31	48.44	Reference Librarian
Peter Pontius	May 1	27.60	Janitor
Thomas DeLauder	May 13-16	40.25	Truck Driver
Floyd Francis Bowen	May 29-31	17.92	Bookmobile Driver

On motion duly made, seconded, and carried all the foregoing changes were ratified, approved, and confirmed.

There being no further business, the meeting on motion adjourned.

Chairman

Secretary

MINUTES OF A SPECIAL MEETING

OF THE

LIBRARY BOARD

KANAWHA COUNTY PUBLIC LIBRARY

HELD ON

MAY 28, 1957

A special meeting of the Library Board, called pursuant to the provisions of Section 3, Article II, of the By-Laws, was held on May 28, 1957, at 4:00 p.m. in the Board Room of the Library to hear the report of the Special Committee on Organization.

The following members were present:

Mr Ray, President
Mrs Anderson
Mrs Brown
Dr Cook
Mr Flinn
Mr Hanson
Dr Sibley

Mr Ray, the President, presided. The Librarian acted as Secretary and reported that a quorum was present.

The Chairman reported for the Special Committee on Organization. He presented a copy of a draft of By-Laws for the statutory library corporation which will come into existence on July 1, 1957. Following a discussion of the By-Laws, some changes were made. The Librarian was asked to send a revised copy to each member of the Library Board.

On matters relating to the membership of the board of directors of the statutory corporation, there was considerable discussion.

The President was directed to submit to the Board of Education

of Kanawha County, as nominees for the board of directors of the statutory corporation, (i) the members of the present Library Board, (ii) Mr J. B. Maurice and Mr W. E. Chilton III, if they will accept an appointment, and (iii) two additional persons, if the Mayor of Charleston and the County Court of Kanawha County, or the President thereof, see fit each to suggest a nominee.

The Special Committee on Organization was directed and authorized to do such things as may be required in order to prepare properly for completion of the organization of the statutory corporation promptly after June 30, 1957.

There being no further business, the meeting on motion adjourned.

John S Kay
Chairman

Nicholas Winovich
Secretary

MINUTES OF A MEETING OF THE

BOARD OF DIRECTORS

KANAWHA COUNTY PUBLIC LIBRARY

HELD ON

JUNE 7, 1957

The regular meeting of the Library Board of the Kanawha County Public Library was held on June 7, 1957, at 4:00 p.m. in the Board Room of the Library.

The following members were present:

Mr Hanson, Acting Chairman
Dr Cook
Mr Dickinson
Mr Lovenstein
Colonel Phillips
Dr Pianfetti
Dr Riggleman
Mr Young

The Librarian acted as secretary and reported that a quorum was present.

The minutes of the May 10, 1957 and May 28, 1957, meeting were approved.

Librarian's Monthly Report. The Librarian read his account of the activities of the various departments of the library for the preceding month. At the conclusion of the report, a brief discussion ensued. It was ordered received and filed and the Librarian was authorized to publish any parts of the report as he might deem desirable.

Reports of Committees. Mr Dickinson, Chairman of the Budget Committee reported. After some discussion, the Librarian was asked to make further explanations. The Librarian withdrew from the meeting while the matter of his salary was being considered. Upon recommendation of the Committee, it was moved by Dr Riggleman and seconded by Mr Lovenstein, as the sentiment of

the members present, to recommend to the new Library Board the proposed budget for 1957/1958, as prepared, while suggesting that the purchase of an elevator be made at the end of the fiscal year and then only when funds become sufficient.

Approval of Bills. Dr Cook moved, Dr Pianfetti seconding, that the bills (Lists Nos. 406 and 407) be approved and sent to the Board of Education for payment. The motion passed.

NEW BUSINESS

Leave of Absence. The Librarian reported that Miss Juliette Bryson, Chief Circulation Librarian, had requested permission for an eight weeks leave of absence to be taken during the summer of 1958 for the purpose of visiting Europe. The Librarian recommended that the request be granted. It was moved by Colonel Phillips, seconded by Dr Riggleman and unanimously

> RESOLVED, That Miss Juliette Bryson is to be granted a leave of absence of eight weeks arranged to the satisfaction of the library and in accordance with the following: (i) three weeks vacation with pay, and (ii) five weeks are to be considered as a leave of absence without pay.

Personnel and Salary Changes. The Librarian reported the following personnel and salary changes effective June 1957, which he stated are in accord with the salary scale:

Name	Effective Date	June Salary Only	Position
Hourly Employees			
Mary Kay Plovanich	June 1	$45.00	Page, Boys and Girls Dept.
Margaret Vitiello	June 1	67.50	Page, Boys and Girls Dept.
Peggy Ann Douglas	June 1	37.50	Page, Circulation Dept.
Jack Dugan	June 1	56.25	Page, Circulation Dept.
Sandra Sue Farrell	June 1	56.25	Page, Circulation Dept.
Jerry R. Jeffrey	June 1	20.25	Page, Circulation Dept.
Thomas F. Whaley	June 1	92.25	Page, Circulation Dept.
William D. Lovejoy	June 1	56.25	Page, Circulation Dept.
Larry Matheney	June 1	56.25	Page, Circulation Dept.

Name	Effective Date	June Salary Only	Position
Employment			
Nancy E. Ringel	June 1	69.75	Page, Boys and Girls Dept.
Mary Louise Pierriello	June 1	175.00	Senior Clerk, Extension Dept.
Resignations			
Betty Ann Morton	June 10	75.20	Order Clerk, Catalog Dept.
Charles House	June 1	12.42	Bookmobile Driver
Emma Jo Coffey	May 31	No check due her	Page
Norma Jean Thompson	May 31	No check due her	Page
Temporary Employment			
Beverly Hall	June 1	11.25	Page, Boys and Girls Dept.
Thelma Amick	June 3	$255.72 (pay $245.56 for June)	Substitute Librarian, Extension Department
Floyd Francis Bowen	June 1-6 June 17-29	$220.00 (pay $149.60 for June)	Substitute Bookmobile Driver
Everett Finney	June 7-15	$220.00 (pay $70.40 for June)	Substitute Bookmobile Driver
Peter Pontius	June 3-8	$190.00 (pay $45.60 for June)	Janitor
Hazel Fisher	June 24-29	$299.59 (pay $71.88 for June only)	Reference Librarian
Return From Leave			
Joyce Isner	June 4	$185.00 (pay $170.20 for June)	Senior Clerk, Extension Dept.

Salary Changes	Effective Date	Salary Changes From-	To-	Position
Linda Dugan	June 1	$131.00 (for June only)	$141.56	Senior Clerk, Boys and Girls Dept.
Dorothy Francis	June 1	$299.59	$311.23	Extension Librarian

On motion duly made, seconded, and carried all the foregoing changes were ratified, approved and confirmed.

There being no further business, the meeting on motion adjourned.

Acting Chairman

Nicholas Winowich
Secretary

MINUTES

OF

FIRST MEETING

OF

BOARD OF DIRECTORS

OF

KANAWHA COUNTY PUBLIC LIBRARY

The members of the Board of Directors of Kanawha County Public Library, a corporation created by Chapter 148 of the Acts of the West Virginia Legislature, 1957, met on the first day of July, 1957, at the hour of 10 o'clock a.m., in the Board Room of the Library Building, in the City of Charleston, Kanawha County, West Virginia, pursuant to an agreement and waiver of notice, which is attached to the minutes of this meeting as a part thereof.

WAIVER OF NOTICE

FIRST MEETING OF BOARD OF DIRECTORS

OF

KANAWHA COUNTY PUBLIC LIBRARY

The undersigned, being all of the members of the Board of Directors of Kanawha County Public Library, a corporation created by Chapter 148 of the Acts of the West Virginia Legislature, 1957, do hereby waive notice of the first meeting of the said Board of Directors; and we do hereby assent and agree to the holding of the first meeting of the Board of Directors of Kanawha County Public Library in the Board Room of the Library Building in the City of Charleston, Kanawha County, West Virginia, on the first day of July, 1957, at 10 o'clock a.m. for the purpose of adopting by-laws, electing officers, selecting a director, employing a staff, both professional and non-professional, adopting a budget for the fiscal year beginning July 1, 1957, and the transaction of any other proper business at such meeting; and we do further agree that any business transacted at such meeting shall be valid and legal and of the same force and effect as though said meeting were held after notice duly given.

Witness our signatures, this 1st day of July, 1957.

Margaret Anderson

Hester Brown

William E. Chilton III

Ivy Bird Cook

Virgil Lee Ellis

Arthur Hanson

Sydney M. Kleeman

L. K. Lowenstein

John D. Maurice

Walter G. Phillips

John A. Pianfetti

John W. Ray

Leonard Riggleman

Donald C. Shanklin

R. F. Sibley

Charles A. Williamson

The meeting was called to order by John V. Ray, and, on motion made by Roy Bird Cook, seconded by Charles A. Williamson, and duly carried, John V. Ray was elected Temporary Chairman, and Nicholas Winowich was elected Temporary Secretary of the meeting.

The Temporary Secretary submitted to the meeting a copy of Chapter 148 of the Acts of the West Virginia Legislature, 1957, and, on motion duly made, seconded, and carried it was ordered that the said copy of the said statute be filed with the minutes of this meeting, as a part thereof.

The Temporary Secretary presented to the meeting a letter from the Board of Education of the County of Kanawha, dated June 28, 1957, certifying that the following persons have been appointed members of the Board of Directors of Kanawha County Public Library for the terms shown, to-wit:

6 year term	3 year term
Arthur Hanson	Margaret Anderson
Donald C. Shonk	William E. Chilton, III
Walter C. Phillips	John D. Maurice
5 year term	**2 year term**
Charles C. Dickinson, Sr.	Hester Brown
Roy Bird Cook	Leonard Riggleman
Virgil L. Flinn	John A. Pianfetti
4 year term	**1 year term**
Charles A. Williamson	R. L. Sibley
Sydney M. Kleeman	John A. Young
L. K. Lovenstein	John V. Ray

On motion, duly made, seconded and carried, it was ordered that the said letter be filed with the minutes of this meeting, as a part thereof.

The Temporary Secretary submitted a Notice, dated June 28, 1957, addressed to all of the members of the Board of Directors of the Kanawha County Public Library, advising them that they had been appointed the members of the Board of Directors of Kanawha County Public Library by the Board of Education of the County of Kanawha at its meeting held on June 27, 1957, and notifying them that the first meeting of the said Board of Directors would be held at 10 o'clock a.m. on Monday, July 1, 1957, in the Library Building in the City of Charleston, West Virginia. The Temporary Secretary stated that a copy of the said Notice had been sent to each of said persons by United States mail, on June 28, 1957; and on motion duly made, seconded and carried, it was ordered that the said Notice be filed with the minutes of this meeting, as a part thereof.

The Temporary Secretary submitted to the meeting a Waiver of Notice, signed by all of the members of the Board of Directors of Kanawha County Public Library, and, on motion duly made, seconded and carried, it was ordered that the said Waiver of Notice be attached to the minutes of this meeting, as a part thereof.

The Temporary Secretary reported that the following members of the Board of Directors of Kanawha County Public Library were present:

William E. Chilton, III	John V. Ray
Roy Bird Cook	R. L. Sibley
Virgil L. Flinn	Charles A. Williamson
James D. Maurice	John A. Young

The Temporary Chairman thereupon announced that, due and proper notice of the meeting having been given and a quorum being present, the meeting was now regularly and lawfully convened and ready to transact business.

Charles A. Williamson moved that the following by-laws be adopted, and the same were read section by section, to-wit:

BY-LAWS

OF

KANAWHA COUNTY PUBLIC LIBRARY

ARTICLE I

BOARD OF DIRECTORS

Section 1.

The Board of Directors shall consist of eighteen directors, who shall serve without compensation, and who are hereinafter referred to as the "Library Board." Before the first day of July, one thousand none hundred fifty-seven, the Board of Education of the County of Kanawha shall appoint the members of the said board of directors, appointing three persons for one year, three persons for two years, three persons for three years, three persons for four years, three persons for five years and three persons for six years, respectively, the term of office commencing July first, one thousand nine hundred fifty-seven. Their respective successors shall be appointed for a term of six years each, except that any person appointed to fill a vacancy occurring before the expiration of the term vacated shall serve only for the unexpired term. A member of the Library Board shall be eligible for reappointment.

Section 2.

Unless the best interests of the library will be served thereby, not more than fourteen members of the Library Board shall be persons who reside within the City of Charleston.

Section 3.

The Library Board shall submit to the Board of Education of the County of Kanawha not later than the first day of May in each year the names of three persons whom the Library Board nominates for appointment to the Library Board for the term beginning the next July first; and shall from time to time submit the names of nominees for appointment to fill vacancies on the Library Board.

Section 4.

The Board of Education of the County of Kanawha may remove any member of the Library Board for cause which it deems sufficient.

ARTICLE II

MEETINGS OF THE LIBRARY BOARD

Section 1. Regular Meetings

The Library Board shall hold its regular meetings at the Library at 4:00 p.m. on the first Tuesday of each month or at such other time and/or place as the Library Board may fix therefor, except that the July meeting shall be held on the first Friday in July.

Section 2. Annual Meeting

The annual meeting of the Library Board shall be held on the first Friday in July for the election of officers and for other business.

Section 3. Special Meetings

Special meetings may be called by the Secretary at the direction of the President, or upon the request of two members; and at least one day's notice thereof shall be given by telephone or by mail.

Section 4. Quorum

A quorum shall consist of any four members at any meeting of the Library Board.

ARTICLE III

OFFICERS: THEIR ELECTION AND DUTIES

Section 1.

The officers of the Library Board shall consist of a President, a Vice-President, a Secretary and a Treasurer, who shall be elected at the annual meeting in July, to hold their offices for one year, and until their successors are elected. They shall be members of the Library Board, except the Director may be Secretary and/or Treasurer.

Section 2.

The President shall preside at all meetings of the Library Board at which he is present; shall have general superintendence over the Library, in accordance with the policies of the Library Board; shall have authority to sign checks, drafts, contracts and other instruments, to acknowledge instruments for recordation and to affix the seal of the library thereto when required; and shall exercise the usual functions of such office. He shall appoint all committees, and their chairmen, unless otherwise specially provided by the Library Board. He shall be an ex officio member of all committees and may be the chairman of any committee.

Section 3.

The Vice-President shall perform the duties of the President in his absence or inability to act.

Section 4.

Should the President and Vice-President be absent from any meeting of the Library Board, the members present shall select a chairman who shall preside thereat.

Section 5.

The Secretary shall keep the minutes of meetings of the Library Board, the minutes of the committee meetings, when requested, and all official records of the Library Board; and shall keep the seal of the library and affix it to all documents requiring it.

Section 6.

The Treasurer shall keep a record of money received and paid out; shall keep all financial records of the special library funds and income received by the Library Board from sources other than taxation; shall have charge of all such funds; and shall make financial statements to the Library Board when and as requested by it.

Section 7.

A vacancy in office shall be filled for the unexpired term by the Library Board.

ARTICLE IV

COMMITTEES

Section 1.

As soon as convenient after the annual meeting of the Library Board, the President shall appoint from the Library Board the following standing committees:

Book Committee
Budget Committee
Building and Grounds Committee
Finance Committee
Gifts, Bequests and Endowment Committee
Personnel Committee
Services Committee

and such special committees as the President shall determine. Each of the aforesaid standing committees shall consist of five members.

Section 2. Book Committee

The Book Committee shall, subject to such instructions as the Library Board may give, direct the policy of the library in the selection, purchase and binding of books, pamphlets, magazines, and newspapers, and the selection and purchase of films, phonograph records and other non-book materials.

Section 3. Budget Committee

The Budget Committee shall prepare an annual budget of expenditure, and submit it to the Library Board.

Section 4. Building and Grounds Committee

The Building and Grounds Committee shall have supervision of the library building, vehicles, equipment and grounds.

Section 5. Finance Committee

The Finance Committee shall supervise and manage the special library funds and income received from sources other than taxation. The President of the Library Board may be chairman of the committee and the Treasurer of the Library Board may be treasurer of the committee.

Section 6. Gifts, Bequests and Endowment Committee

The Gifts, Bequests and Endowment Committee shall be charged with the responsibility of informing the public of the opportunity for gifts, bequests and endowments to the library, and the study of all questions arising in connection with gifts, bequests and endowment funds.

Section 7. Personnel Committee

The Personnel Committee shall advise the Director in the employment and/or discharge of the library staff. Al professional staff appointments and dismissals shall be made by the Library Board, after receiving the recommendation of the Director and the Committee. All non-professional and custodial staff shall be appointed by the Director, under such rules as the Personnel Committee may adopt therefor.

Section 8. Services Committee

The Services Committee shall, subject to such instructions as the Library Board may give, direct the policy of the library in the extension of library services to the communities of Kanawha County, other than the City of Charleston, by bookmobile and other methods; and, generally, the services rendered to the citizens of Kanawha County by the library.

ARTICLE V

DIRECTOR, ASSISTANT-LIBRARIANS AND EMPLOYEES

Section 1.

The Library Board shall elect a Director to serve, during the pleasure of the Library Board, at a salary to be fixed by the Library Board.

Section 2.

The Director shall have the management and control of the library under the rules, regulations and directions of the Library Board, and shall be responsible for the care and safekeeping of all the library property. The Director shall make a written report at each regular meeting of the Library Board, telling of the activities of the library during the

previous month. This shall be filed and preserved as a permanent record. The Director shall prepare an annual written report showing fully the operations of the library, which report shall be filed as a part of the minutes of each annual meeting of the Library Board.

Section 3.

The Director shall make recommendations to the Library Board for employment, promotion, dismissal, compensation and duties of assistant librarians and other employees.

ARTICLE VI

EXPENDITURES

Section 1.

All bills for books, pamphlets, magazines, newspapers, bindings, films, phonograph records, and other non-book materials, shall be certified by the Director, approved by the Chairman or any two members of the Book Committee, or any two members of the Library Board, before they are presented to the Library Board. All other bills shall be certified by the Director, approved by the Chairman or any two members of the Finance Committee, or any two members of the Library Board, before they are presented to the Library Board.

Section 2.

After bills have been approved by the Library Board, they shall be transmitted by the Director to the proper department of the Board of Education for payment, unless the Library Board directs otherwise.

ARTICLE VII

MAIN LIBRARY, LIBRARY EXTENSION AND BRANCH LIBRARIES

Section 1.

The Library Board shall maintain a main library building, at Lee and Hale Streets, in the City of Charleston, West Virginia.

Section 2.

The Library Board may provide for the extension of library service to the other communities of Kanawha County by branch libraries, bookmobile or otherwise.

ARTICLE VIII

HOURS AND RULES

Section 1.

The Library Board shall fix the hours during which the library shall be open.

Section 2.

The Library Board shall have the power to establish rules and regulations for the government of the library, and the care and preservation of the library property.

ARTICLE LX

ORDER OF BUSINESS

Section 1.

The order of business at the regular meetings of the Library Board shall be:

1. Roll call
2. Approval of minutes
3. Report of Director
4. Reports of Committees
5. Approval of bills
6. Unfinished business
7. New business

ARTICLE X

AMENDMENTS

Section 1.

These by-laws may be amended by vote of a majority of the

whole Library Board in regular meeting assembled.

The motion was seconded by Roy Bird Cook, and, after discussion and consideration, a vote was taken, and the said by-laws were unanimously adopted as the by-laws for the government of Kanawha County Public Library.

The Temporary Chairman announced that an election of officers was in order; and an election of officers, held as provided in the by-laws, resulted as follows:

President	John V. Ray
Vice-President	Arthur Hanson
Secretary	Nicholas Winowich
Treasurer	Nicholas Winowich

John A. Young moved that Nicholas Winowich be elected Director of Kanawha County Public Library, to serve during the pleasure of the Board of Directors, at a salary of $550.00 per month. The motion was seconded by R. L. Sibley, and, upon a vote being taken, the motion carried unanimously.

It was moved by William E. Chilton, III, that the following resolution be adopted:

> WHEREAS, It is the belief of the Library Board that the effectiveness of a library's services is determined in large measure by the quality of its staff, and that it is imperative that personnel of competence and integrity be employed;

THEREFORE, BE IT RESOLVED, That the minimum qualifications of professional librarians who are employed as members of the staff of Kanawha County Public Library shall be as follows:

> Graduation from a college or university approved by an accrediting association of more than state-wide standing, plus graduation from a library school accredited by the American Library Association; or, graduation from a college or university approved by an accrediting association of more than state-wide standing, plus one year of training in a library school accredited by the American Library Association and not less than two years of appropriate experience in a library of recognized standing; and,

RESOLVED FURTHER, That the said minimum qualifications shall be waived only for good cause, which is deemed sufficient by the Library Board and shall in no event be waived if one or more members of the Library Board object to such waiver.

The motion was seconded by Charles A. Williamson; and, after a discussion thereof, a vote was taken and the motion was carried unanimously.

On motion, duly made, seconded and carried, the following resolution was adopted:

RESOLVED, That, until the further order of the Library Board, the Main Library in the City of Charleston be continued in operation on substantially the same basis as it was operated during the last fiscal year; and,

RESOLVED FURTHER, That, until further order of the Library Board, the Bookmobile be continued in operation on substantially the same basis as it was operated during the last fiscal year; and,

RESOLVED FURTHER, That, until the further order of the Library Board, collections of books, adult or juvenile or a combination of each, varying in size depending on the need, be loaned to schools or responsible community groups, for a period of three months, on substantially the same basis as such deposit collections were made during the last fiscal year.

Various matters of an administrative nature were discussed, and at the conclusion thereof, it was moved by Virgil L. Flinn, seconded by Charles A. Williamson and unanimously carried, that the following resolution be adopted:

RESOLVED, That the Director and the staff of Kanawha County Public Library prepare a MANUAL OF ADMINISTRATION, for the use of the Library Board and the staff of the library, in which manual items such as the following will be included:

(1) The rules, regulations and policies adopted by the Library Board.

(2) The salary scale and position classification.

(3) Other items pertaining to the administration of the library, which, in the opinion of the Director, should be included in the MANUAL OF ADMINISTRATION.

The Chairman reported the existence of the following special funds on deposit at The Kanawha Valley Bank, Charleston, West Virginia, to the credit of the Finance Committee of Kanawha County Public Library, the management of which funds should now be assumed by this corporation:

Architectural Books Fund	$ 297.61
William A. Bradford, Jr. Memorial Fund	4,669.99
Harry Futterman Phonograph Records Fund	50.29
Kanawha Valley Technical Council Books Fund	251.52
	$5,269.41

It was moved by Roy Bird Cook that the following resolution be adopted:

WHEREAS, The Architectural Books Funds was established by the West Virginia Chapter of the American Institute of Architects, in order to achieve a strong collection of architectural books, periodicals and related materials at the library, where they would be available to and used by all who are interested in them;

BE IT RESOLVED, That Kanawha County Public Library accept the Architectural Books Fund and apply it to the objects for which it was created.

The motion was seconded by Virgil L. Flinn; and, a vote being taken, was unanimously carried.

Roy Bird Cook moved that the following resolution be adopted:

WHEREAS, The William A. Bradford, Jr., Memorial Fund was created by the last will of William A. Bradford, Jr., and the income therefrom is to be expended primarily in acquiring all worthy books written by native born West Virginians, as well as books written by residents of West Virginia and books pertaining to and exemplifying the character and industry of West Virginia;

THEREFORE, BE IT RESOLVED, That Kanawha County Public Library accept the said William A. Bradford, Jr., Memorial Fund, and use the income produced by it in acquiring such books.

The motion was seconded by Virgil L. Flinn; and, a vote being taken, the motion was carried.

Roy Bird Cook moved that the following resolution be adopted:

RESOLVED, That Kanawha County Public Library accept the Harry Futterman Phonograph Records Fund, and expend it for the purpose for which it was created, to-wit; the purchase of additional phonograph records for Kanawha County Public Library.

The motion was seconded by Virgil L. Flinn; and, a vote being taken, the motion was carried.

Roy Bird Cook moved that the following resolution be adopted:

RESOLVED, That Kanawha County Public Library accept the Kanawha Valley Technical Council Books Fund, and expend it for the purpose for which it was created, to-wit; strengthening the science and technology book collection in Kanawha County Public Library.

The motion was seconded by Virgil L. Flinn; and a vote being taken, the motion was carried.

Gifts to the library were discussed; and at the conclusion thereof, Roy Bird Cook moved that the following resolutions be adopted:

RESOLVED, That in the matter of gifts of money, it shall be the policy of Kanawha County Public Library to welcome and accept such gifts as are made without any conditions or obligations attached thereto which would tend to defeat the purposes of the library; and,

RESOLVED FURTHER, That in the matter of gifts of books and other materials, it shall be the policy of Kanawha County Public Library to accept all such material which is offered without any conditions or obligations attached thereto, and with the understanding that such material shall be catalogued and shelved at the discretion of the Director, and be disposed of as the Library Board may see fit; and,

RESOLVED FURTHER, That the Director may solicit and accept gifts to Kanawha County Public Library, provided the gift is not permanently exploited by the donor as an advertisement.

On motion duly made, seconded and carried, the following was adopted:

RESOLVED, That books owned by the Kanawha County Public Library, and not needed in the book collection, may be sent on indefinite loan to other libraries in Kanawha County, with the approval of the Director and the Book Committee, or to other libraries in the State of West Virginia with the approval of the Director and the Library Board.

John A. Young moved that the following resolution be adopted:

WHEREAS, It is the purpose of the Kanawha County Public Library to further the development of public library service throughout the county;

THEREFORE, BE IT RESOLVED, That Kanawha County Public Library give all the help feasible, with due regard to its present staff and facilities, to aid the St. Albans Public Library, and the South Charleston Public Library, including, but not limited to, the following matters:

(1) Advice and consultation on questions of library service, organization, and equipment;

(2) Supply of a deposit collection;

(3) Arrange system for registering borrowers and issuing cards;

(4) Arrange system for recording and reporting circulation;

(5) Assist in purchase of books in order to obtain quantity price discounts.

The motion was seconded by R. L. Sibley, and, after a discussion thereof, a vote was taken and the motion was carried.

On motion, duly made, seconded and carried, the following resolution was adopted:

RESOLVED, That Kanawha County Public Library continue

as a designated depository library to receive certain United States Government publications, inasmuch as being such depository will enable the library to give better service to the community and will increase the availability of federal publications in the area, and the Library Board is of the opinion that the facilities of the library are such that it will be able to administer and service the materials which it selects to receive.

On motion, duly made, seconded and carried, the following resolution was adopted:

RESOLVED, That Kanawha County Public Library apply for membership in the American Library Association, and in the West Virginia Library Association, as an institutional member.

On motion, duly made, seconded and carried, the following resolution was adopted:

RESOLVED, That the Library shall be closed in observance of the following holidays:

New Year's Day
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Christmas Day

On motion, duly made, seconded and carried, the following resolution was adopted:

RESOLVED, That the flag of the United States be flown from the flagpole in front of the Library Building, during the daylight hours of Mondays through Saturdays.

On motion, duly made, seconded and carried, the following resolution was adopted:

RESOLVED, That the Director be authorized to have a member of the staff of Kanawha County Public Library, preferably the secretary to the Director, appointed as a Notary Public in and for Kanawha County, West Virginia; and,

RESOLVED FURTHER, That the cost and expenses incidential to such appointments be paid by Kanawha County Public Library.

Virgil L. Flinn moved the adoption of the following resolution:

WHEREAS, It is most desirable that an applicant for a position on the staff of Kanawha County Public Library be personally interviewed by the Director and/or members of the Library Board before the application is acted on;

THEREFORE, BE IT RESOLVED, That the Director is authorized to expend an amount not to exceed full payment of traveling expenses incurred by any professional librarian who is invited by the Director and/or Library Board to visit the library for the purpose of being interviewed with respect to future employment by Kanawha County Public Library.

The motion was seconded by R. L. Sibley, and, a vote being taken, was carried.

The special funds of Kanawha County Public Library were discussed; and, at the conclusion thereof, W. E. Chilton, III moved that the following resolution be adopted:

RESOLVED, That the Treasurer be authorized to open an account with The Kanawha Valley Bank, of Charleston, West Virginia, and that there be deposited therein all money received by Kanawha County Public Library, other than the money received from the Board of Education, of the

County of Kanawha, the City of Charleston and the County Court of Kanawha County, West Virginia; and,

RESOLVED FURTHER, That the payment of bills and other disbursements from the said bank account shall be made by the Treasurer, pursuant to the prior approval and direction of the Library Board.

The motion was seconded by Virgil L. Flinn, and, a vote being taken, the motion was carried.

On motion, duly made, seconded and carried, the following resolution was adopted:

RESOLVED, That The Kanawha Valley Bank, of Charleston, West Virginia, be and hereby is authorized and directed to pay checks, drafts or other orders for the payment of money drawn on the Kanawha County Public Library, including those drawn on the individual order or a signer, when signed in the following manner, by the President, Vice-President or Treasurer.

On motion, duly made, seconded and carried, the following resolution was adopted:

RESOLVED, That, until the further order of the Library Board, the lease of the southern part of the library lot to R. W. Robinson, for use as a parking lot, be continued on the same terms as were in effect on June 30, 1957.

On motion, duly made, seconded and carried, the following resolution was adopted:

RESOLVED, That, until the further order of the Library Board, the Junior League of Charleston be permitted to maintain a Children's Museum in the Library Building, on the same terms the said was maintained during the last

fiscal year, it being understood (i) that the organization and administration of the said Children's Museum must at all times be satisfactory to the Library Board, and (ii) that the Library Board retains full and complete authority and to have and occupy the space used by the said Children's Museum whenever such space, in the opinion of the Library Board is needed or desired for library or other purposes.

On motion, duly made, seconded and carried, the following resolution was adopted:

RESOLVED, That the basic yearly vacation with pay for members of the library staff be as follows:

Members of Professional staff	3 calendar weeks
Members of Clerical staff	2 calendar weeks
Members of Building staff	2 calendar weeks

RESOLVED FURTHER, That the Director, with the prior approval of the Library Board, be authorized to grant to professional librarians leaves with pay, not to exceed two weeks, when such leave is used for the purpose of attending an accredited Library school; and

RESOLVED FURTHER, That proportional vacation periods be computed on the basis of employment during the current fiscal year for members of the staff who have not been employed by Kanawha County Public Library during the twelve month period preceding the vacation period.

On motion, duly made, seconded and carried, the following resolution was adopted:

RESOLVED, That the Director maintain, as a part of the permanent records of Kanawha County Public Library, a list of the book bills approved for payment by the Library Board; and that

the said lists bear consecutive numbers, beginning with Book Bill List No. 1; and,

RESOLVED FURTHER, That the Director maintain, as a part of the permanent records of the general bills (that is, all bills other than book bills) approved for payment by the Library Board; and that the said lists bear consecutive numbers, beginning with General Bills List No. 1.

The Director submitted Book Bill List No. 1, and General Bill List No. 1, duly certified and approved in accordance with the By-Laws, and, on motion made by Roy Bird Cook, seconded by Virgil L. Flinn, and duly passed, it was ordered (i) that the bills set out on the two lists be paid, and (ii) that the said bills be transmitted for that purpose by the Director to the Board of Education of the County of Kanawha.

On motion, duly made, seconded and carried, the following resolution was adopted:

RESOLVED, That the Director preserve, as a part of the permanent records of Kanawha County Public Library, each list of personnel and salary changes which the Director presents to the Library Board at the monthly meetings thereof; and,

RESOLVED FURTHER, That the said personnel and salary change lists be identified by a proper title, which will show therein the effective date of the changes ordered.

The Director presented to the meeting a copy of the Job Description Manual which has been in effect in Kanawha County Public Library during the

past fiscal year, and recommended that it be adopted. On motion, duly made, seconded and carried, it was ordered that the Job Description Manual submitted to this meeting be adopted for Kanawha County Public Library, until the further order of the Library Board.

The Director presented to the meeting a Position Classification Plan, which is based on duties, responsibilities and qualifications, and furnishes a basis for establishing an equitable salary scale in terms of job importance and difficulty, and recommended that it be approved. After a discussion of the Plan, on motion of John D. Maurice, seconded by R. L. Sibley and duly carried, it was ordered that the said Position Classification Plan be approved and adopted, and that a copy of it be filed with the minutes of this meeting, as a part thereof.

The Director presented to the meeting a copy of the salary scale which was in effect in Kanawha County Public Library during the last fiscal year, and recommended that it be adopted. On motion, duly made, seconded and carried, the following resolution was adopted:

RESOLVED, That the salary scale, and the provisions thereof relating to service increments, which was in effect in Kanawha County Public Library during the last fiscal year, be adopted as the salary scale of Kanawha County Public Library, until the same is changed by the Library Board; and,

RESOLVED FURTHER, That the copy of said salary scale submitted to this meeting by the Director be filed with the minutes of the meeting, as a part thereof.

The Director submitted to the meeting a list of the members of the staff of Kanawha County Public Library, at the close of business on June 30, 1957, and recommended that each said person be employed by Kanawha County Public Library in the position held on said date. Charles A. Williamson thereupon moved that the following resolution be adopted:

> RESOLVED, That the persons whose names are set out on the list of staff members submitted to this meeting by the Director be employed in the position which each said person held respectively, on June 30, 1957, to serve during the pleasure of the Library Board; and,
>
> RESOLVED FURTHER, That a copy of the said list submitted to this meeting of the Library Board be filed with the minutes of the meeting, as a part thereof.

The motion was seconded by John D. Maurice; and, after a discussion thereof, a vote was taken and the motion was carried unanimously.

The Director presented to the meeting a list of personnel and salary changes, and recommended that the changes therein set out be approved effective July 1, 1957. On motion made by W. E. Chilton, III, seconded by John A. Young, and duly carried, the following resolution was adopted:

> RESOLVED, That the personnel and salary changes set out on the list thereof submitted to this meeting be ratified, approved, and confirmed, effective July 1, 1957; and,
>
> RESOLVED FURTHER, That said list be filed in the permanent record thereof.

The Chairman submitted a budget for the fiscal year beginning July 1, 1957, marked "Budget, July 1, 1957 - June 30, 1958", and stated that it had

been prepared by the Budget Committee of the Library Board which had ceased to function on June 30, 1957. At the request of the Chairman, the Director pointed out the principal differences between the proposed budget and the budget for last year, and a lengthy discussion of the proposed budget followed. Virgil L. Flinn moved that the budget presented to the meeting be accepted, approved and adopted as the budget of Kanawha County Public Library for the fiscal year beginning July 1, 1957, and that a copy thereof be filed with the minutes of this meeting, as a part thereof. The motion was seconded by Charles A. Williamson; and, a vote being taken, the motion was carried.

Charles A. Williamson moved that the following resolution be adopted:

RESOLVED, That a copy, duly certified by the Director, of the budget of Kanawha County Public Library for the fiscal year beginning July 1, 1957, which has been approved and adopted by the Library Board, be transmitted to the Board of Education of the County of Kanawha by a proper letter signed by the President; and,

RESOLVED FURTHER, That the President of Kanawha County Public Library be authorized and directed, in the said letter transmitting the budget to request the Board of Education of the County of Kanawha to lay a levy, in accordance with Section 5 of Chapter 148 of the Acts of West Virginia Legislature, 1957, which will produce 40% of the total amount required to furnish public library service, as shown in the said budget.

RESOLVED FURTHER, That the officers of the Library Board and the Director be authorized and directed to sign such other papers, and to perform such acts, as may be necessary to effect the proper laying of the said levy by the Board of Education

of the County of Kanawha, authorized by the said statute, in order to provide for the support, maintenance and operation of Kanawha County Public Library.

The motion was seconded by Roy Bird Cook; and, upon a vote being taken, the motion was carried unanimously.

Charles A. Williamson moved that the following resolution be adopted:

RESOLVED, That a copy, duly certified by the Director, of the budget of the Kanawha County Public Library for the fiscal year beginning July 1, 1957, which has been approved and adopted by the Library Board, be transmitted to the County Court of Kanawha County by a proper letter signed by the President; and,

RESOLVED FURTHER, That the President of the Kanawha County Public Library be authorized and directed, in the said letter transmitting the budget, to request the County Court of Kanawha County to lay a levy, in accordance with Section 5 of Chapter 148 of the Acts of West Virginia Legislature, 1957, which will produce 40% of the total amount required to furnish public library service, as shown in the said budget.

RESOLVED FURTHER, That the officers of the Library Board and the Director be authorized and directed to sign such other papers, and to perform such acts, as may be necessary to effect the proper laying of the said levy by the County Court of Kanawha County authorized by the said statute, in order to provide for the support, maintenance and operation of Kanawha County Public Library.

The motion was seconded by Roy Bird Cook; and, upon a vote being taken, the motion was carried unanimously.

Charles A. Williamson moved that the following resolution be adopted:

RESOLVED, That a copy, duly certified by the Director, of the budget of the Kanawha County Public Library for the fiscal year beginning July 1, 1957, which has been approved and adopted by the Library Board, be transmitted to the Mayor and Council of the City of Charleston by a proper letter signed by the President; and,

RESOLVED FURTHER, That the President of Kanawha County Public Library be authorized and directed, in the said letter transmitting the budget, to request the City of Charleston to lay a levy, in accordance with Section 5 of Chapter 148 of the Acts of West Virginia Legislature, 1957, which will produce 20% of the total amount required to furnish public library service, as shown in the said budget.

RESOLVED FURTHER, That the officers of the Library Board and the Director be authorized and directed to sign such other papers, and to perform such acts, as may be necessary to effect the proper laying of the said levy by the City of Charleston, authorized by the said statute, in order to provide for the support, maintenance and operation of Kanawha County Public Library.

The motion was seconded by Roy Bird Cook; and, upon a vote being taken, the motion was carried unanimously.

The Chairman called to the attention of the meeting that negotiations with the members of the County Court of Kanawha County, the Mayor and the Council of the City of Charleston and the members of the Board of Education of the County of Kanawha, with respect to the financial support of Kanawha County Public Library by tax revenues, must be promptly undertaken and diligently pursued. Following a lengthy discussion, it was moved by W. E. Chilton, III, seconded by John A. Young, and unanimously

RESOLVED, That a Special Committee be created, to be known as the Special Committee on Finances and composed

of John V. Ray, Chairman, Arthur Hanson, Charles A. Williamson, Virgil L. Flinn and Sydney M. Kleeman; and that the said Special Committee be directed and authorized to negotiate with the County Court of Kanawha County, the Mayor and the Council of the City of Charleston and the Board of Education of the County of Kanawha, for the financial support of Kanawha County Public Library, as contemplated by Chapter 148 of the Acts of the West Virginia Legislature, 1957; and,

RESOLVED FURTHER, That the said Special Committee on Finances be authorized to take such steps as may be deemed necessary or proper by it in order to protect the interests of Kanawha County Public Library, if a suit is instituted to test the constitutionality of the said statute; and,

RESOLVED FURTHER, That the said Special Committee on Finances be authorized and directed to institute such suit or suits as may be deemed necessary or proper by it in order to compel levies to be made for the support of Kanawha County Public Library, as contemplated by the said statute, if the County Court of Kanawha County, the City of Charleston, or Board of Education of the County of Kanawha, or any one or more of them, fail or refuse to lay said levies.

The Director presented to the meeting the Annual Report of the Director for the fiscal year ending June 30, 1957, and, on motion duly made, seconded and carried, it was ordered that a copy of the said Annual Report be filed with the minutes of this meeting, as a part thereof; that a copy of the said Annual Report be mailed to each member of the Library Board, each member of the Board of Education of the County of Kanawha, each member of the County Court of Kanawha County, each member of the Council of the City of Charleston and the Mayor thereof; and that copies of the said Annual Report be distributed to other interested parties as the Director may deem to be for the best

interests of Kanawha County Public Library.

There being no further business, on motion, duly made, seconded and carried, the meeting adjourned.

Chairman

Secretary

We hereunto sign our names to evidence our assent to and approval of all of the action taken and business transacted at the foregoing meeting.

Margaret Anderson

Hester Brown

William C. Clark

[illegible]

[illegible]

Arthur Hanson

Sydney M. Kleeman

L. K. Lowenstein

John D. Mawicke

Faith C. Pauley

John A. Pranfetta

John Ray

Leonard Ryggeson

Donald C. Shonk

R. L. Sibley

Charles A. Williamson

John A. Young

KANAWHA COUNTY SCHOOLS
200 Elizabeth Street
Charleston 1, W. Va.

L. K. Lovenstein,
Superintendent of Schools

June 28, 1957

Mr. Nicholas Winowich, Librarian
Kanawha County Public Library
Charleston, West Virginia

Dear Mr. Winowich:

At a meeting of The Board of Education held on June 27, 1957, the following members were appointed to The Board of Directors of the Kanawha County Public Library for terms specified as follows:

6 year term	3 year term
Arthur Hanson	Margaret Anderson
Donald C. Shonk	William E. Chilton, III
Walter C. Phillips	John D. Maurice
5 year term	**2 year term**
Charles C. Dickinson, Sr.	Hester Brown
Roy Bird Cook	Leonard Riggleman
Virgil L. Flinn	John A. Pianfetti
4 year term	**1 year term**
Charles A. Williamson	R. L. Sibley
Sydney M. Kleeman	John A. Young
L. K. Lovenstein	John V. Ray

These appointments were made in conformity to House Bill 141, passed by the 1957 Session of the Legislature, establishing a Board of Directors for the administration of the Kanawha County Public Library.

Very truly yours,

/s/

L. K. Lovenstein
Superintendent of Schools

LKL:ac

CC: Mr. John V. Ray

June 28, 1957

To: Mr. Arthur Hanson
Mr. Donald C. Shonk
Colonel Walter C. Phillips
Mr. Charles C. Dickinson
Dr. Roy Bird Cook
Mr. Virgil L. Flinn
Mr. Charles A. Williamson
Mr. Sydney M. Kleeman
Mr. L. K. Lovenstein
Mrs. Margaret Anderson
Mr. William E. Chilton, III
Mr. John D. Maurice
Mrs. Hester Brown
Dr. Leonard Riggleman
Dr. John A. Pianfetti
Dr. R. L. Sibley
Mr. John A. Young
Mr. John V. Ray

At a meeting of the Board of Education of the County of Kanawha, held on June 27, 1957, you were appointed members of the board of directors of Kanawha County Public Library, a corporation created by an Act of the 1957 Legislature of West Virginia.

A meeting of the said Board of Directors will be held at 10 o'clock a.m. on Monday, July 1, 1957, at the Library Building, in the City of Charleston, West Virginia, for the purpose of adopting by-laws, electing officers, considering and acting on various matters pertaining to the organization of the said corporation and the operation of the library.

Nicholas Winowich
Librarian

SPECIAL FUNDS IN THE KANAWHA COUNTY PUBLIC LIBRARY

FINANCE COMMITTEE

Architectural Books Fund

Purpose: To achieve a strong collection of architectural books, periodicals, and related materials at the library where they would be available to and used by all who were interested in them. To purchase architectural books and augment the collection with more specialized works in the architectural field.

Balance in account as of June 30, 1957 $ 297.61

William A. Bradford, Jr. Memorial Fund

Purpose: The books and other library material purchased shall be such as will be of the greatest use and benefit to the library in which the Collection is at the same time deposited, and, so far as practicable but in no wise to the exclusion of other books, all worthy books written by native born West Virginians and residents of West Virginia, and books pertaining to West Virginia, shall be purchased for the collection.

Balance in account as of June 30, 1957 $4,669.99

Harry Futterman Fund

Purpose: To purchase phonograph records.

Balance in account as of June 30, 1957 $ 50.29

Kanawha Valley Technical Council Books Fund

Purpose: To purchase significant technical books which will strengthen the library's collection, but which could not be bought from the library's general books funds, either because they are too expensive or because they are too specialized for the general reader.

Balance in account as of June 30, 1957 $ 251.52

Total Special Funds on Hand July 1, 1957 $5,269.41

KANAWHA COUNTY PUBLIC LIBRARY

Position Classification Plan

Effective July 1, 1957

Professional Grade	Class Title
10	None
9	None
8	None
7	None
6	Director of the Library
5	None
4	Chief Circulation Librarian (Class B department)
3	Chief Catalog Librarian (Class A department)
	Chief Children's Librarian (Class A department)
	Chief Extension Librarian (Class A department)
	Chief Reference Librarian (Class A department)
2	Catalog Librarian
	Circulation Librarian
	Extension Librarian
	Reference Librarian
1	Junior Circulation Librarian

Clerical Grade	Class Title
6	None
5	Secretary
4	Order Clerk
3	Special Clerk
2	Senior Clerk
1	Junior Clerk

Staff Services Grade	Class Title
6	Building Superintendent
5	None
4	Bookmobile Clerk-Driver
3	Custodian
2	None
1	None

KANAWHA COUNTY PUBLIC LIBRARY

Professional Salary Scale, 1957/1958

ANNUAL RATES

Title	Grade	Increments 1	2	3	4	5	Annual Incre.
Junior Librarian	1	$3,294	$3,414	$3,534	$3,654	$3,774	$120
Librarian	2	3,859	4,009	4,159	4,309	4,459	150
Chief Librarian (Class A Dept.)	3	4,565	4,745	4,925	5,105	5,285	180
Chief Librarian (Class B Dept.)	4	5,299	5,509	5,719	5,929	6,139	210
None	5	None					
Director	6	-----	6,600	-----	-----	-----	unspecified
	7	None					
	8	None					
	9	None					
	10	None					

MONTHLY RATES

Title	Grade	Increments 1	2	3	4	5	Monthly Incre.
Junior Librarian	1	$274.50	$284.50	$294.50	$304.50	$314.50	$10.00
Librarian	2	321.58	334.08	346.58	359.08	371.58	12.50
Chief Librarian (Class A Dept.)	3	380.42	395.42	410.42	425.42	440.42	15.00
Chief Librarian (Class B Dept.)	4	441.58	459.08	476.58	494.08	511.58	17.50
None	5	None					
Director	6	------	550.00	------	------	------	unspecified
	7	None					
	8	None					
	9	None					
	10	None					

KANAWHA COUNTY PUBLIC LIBRARY

Non-Professional Salary Scale, 1957/1958

ANNUAL RATES

Title	Grade	Increments 1	2	3	4	5	Annual Incre.
Junior Clerk	1	$1,872	$1,980	$2,088	None	None	$.05 per hour
Senior Clerk	2	2,100	2,160	2,220	$2,280	$2,340	$60
Special Clerk	3	2,280	2,340	2,400	2,460	2,520	60
Order Clerk	4	2,580	2,640	2,700	2,760	2,820	60
Secretary	5	2,880	3,000	3,120	3,240	3,360	120
None	6	None					

MONTHLY RATES

Title	Grade	Increments 1	2	3	4	5	Monthly Incre.
Junior Clerk	1	$156	$165	$174	None	None	$.05 per hour
Senior Clerk	2	175	180	185	$190	$195	$5
Special Clerk	3	190	195	200	205	210	5
Order Clerk	4	215	220	225	230	235	5
Secretary	5	240	250	260	270	280	10
None	6	None					

KANAWHA COUNTY PUBLIC LIBRARY STAFF

Effective July 1, 1957

Professional Staff

Position	Employee
Director	Nicholas Winowich
Chief Extension Librarian	Frances Alderson
Chief Boys and Girls Librarian	Wilma Brown
Chief Catalog Librarian	Jane Brugger
Chief Circulation Librarian	Juliette Bryson
Chief Reference Librarian	Frances Gerard
Circulation Librarian	Sura Bart
Circulation Librarian	Ruth Figgatt
Extension Librarian	Dorothy Francis
Circulation Librarian	Margaret Hilliard
Preparation and Binding Librarian	Robert F. Simmons
Boys and Girls Librarian	To be appointed
Reference Librarian	Ida A. Bullen
Circulation Librarian - part-time	Hazel Fisher

Non-Professional Staff

Director's Secretary	Lorena Ammar
Senior Clerk, Boys and Girls (part-time)	Linda Dugan
Senior Clerk, Catalog	Beverly Thompson
Senior Clerk, Circulation	Marjorie Cook
Senior Clerk, Extension	Joyce Isner

Position	Employee
Senior Clerk, Catalog	Christine Parrish
Special Clerk, Office	Paula Pfost
Senior Clerk, Boys and Girls	Alice Rose Ringel
Senior Clerk, Circulation	Betty Sexton
Senior Clerk, Circulation (part-time)	Carolyn Smith
Senior Clerk, Extension	Laverta Spurlock
Special Clerk, Extension	Ninnetta Mae Thomas
Senior Clerk, Circulation (part-time)	Alice Wilkerson
Order Clerk	Mary Marcella Mays
Senior Clerk, Circulation	Barbara Rose Schumann
Senior Clerk, Extension	Mary Louise Perriello
Senior Clerk, Boys and Girls (New Position)	Nancy Ringel
Bookmobile	To be appointed
Page, Reference	Peggy Ann Douglas
Page, Reference (Sept.-April)	To be appointed
Page, Circulation	Jack Dugan
Page, Circulation	Sandra Sue Farrell
Page, Circulation	Jerry R. Jeffrey
Page, Circulation	Thomas F. Whaley
Page, Extension	Larry Matheney
Page, Extension	William D. Lovejoy
Page, Boys and Girls	Mary Kay Plovanich
Page, Boys and Girls	To be appointed
Page, Boys and Girls	Margaret Vitiello

Building Staff

Position	Employee
Building Superintendent	Charles B. Lander
Janitor	Carl Adams
Janitor	Fred Skiles

KANAWHA COUNTY PUBLIC LIBRARY

Budget 1957/1958

Salaries		
Professional	$62,002.00	
Non-Professional	45,702.00	
Substitutes	1,896.00	
		$109,600.00
Books		
Books	$27,416.00	
Binding	2,000.00	
Periodicals	1,700.00	
		$ 31,116.00
Other Expenses		
Salaries - Building	$ 8,040.00	
Repairs and Maintenance	1,500.00	
Utilities	4,718.00	
Service Contracts	945.00	
Building Supplies	600.00	
Office Supplies	2,660.00	
Insurance	1,954.00	
Vehicles Supplies	1,176.00	
Furniture and Equipment	450.00	
Travel	700.00	
Printing	400.00	
Membership	81.00	
Contingencies	60.00	
		$ 23,284.00
		$164,000.00
Elevator		43,000.00
		$207,000.00

Income 1957/1958

Board of Education	$ 80,000.00
County Court	80,000.00
City of Charleston	40,000.00
Fines, rentals, miscellaneous receipts (Estimated)	7,000.00
	$207,000.00

KANAWHA COUNTY PUBLIC LIBRARY

Proposed Professional Salary Scale, 1957/1958

ANNUAL RATES

Title	Grade	Increments 1	2	3	4	5	Annual Incre.
Junior Librarian	1	$3,294	$3,414	$3,534	$3,654	$3,774	$120
Librarian	2	3,859	4,009	4,159	4,309	4,459	150
Chief Librarian (Class A Dept.)	3	4,565	4,745	4,925	5,105	5,285	180
Chief Librarian (Class B Dept.)	4	5,299	5,509	5,719	5,929	6,139	210
None	5	None					
Director	6	-----	6,600	-----	-----	-----	unspecified
	7	None					
	8	None					
	9	None					
	10	None					

MONTHLY RATES

Title	Grade	Increments 1	2	3	4	5	Monthly Incre.
Junior Librarian	1	$274.50	$284.50	$294.50	$304.50	$314.50	$10.00
Librarian	2	321.58	334.08	346.58	359.08	371.58	12.50
Chief Librarian (Class A Dept.)	3	380.42	395.42	410.42	425.42	440.42	15.00
Chief Librarian (Class B Dept.)	4	441.58	459.08	476.58	494.08	511.58	17.50
None	5	None					
Director	6	------	550.00	------	------	------	unspecified
	7	None					
	8	None					
	9	None					
	10	None					

KANAWHA COUNTY PUBLIC LIBRARY

Non-Professional Salary Scale, 1957/1958

ANNUAL RATES

Title	Grade	Increments 1	2	3	4	5	Annual Incre.
Junior Clerk	1	$1,872	$1,980	$2,088	None	None	$.05 per hour
Senior Clerk	2	2,100	2,160	2,220	$2,280	$2,340	$60
Special Clerk	3	2,280	2,340	2,400	2,460	2,520	60
Order Clerk	4	2,580	2,640	2,700	2,760	2,820	60
Secretary	5	2,880	3,000	3,120	3,240	3,360	120
None	6						

MONTHLY RATES

Title	Grade	Increments 1	2	3	4	5	Monthly Incre.
Junior Clerk	1	$156	$165	$174	None	None	$.05 per hour
Senior Clerk	2	175	180	185	$190	$195	$5
Special Clerk	3	190	195	200	205	210	5
Order Clerk	4	215	220	225	230	235	5
Secretary	5	240	250	260	270	280	10
None	6	None					

KANAWHA COUNTY PUBLIC LIBRARY

Proposed Salary Budget 1957/58

Professional Staff

Position	Employees	Monthly Salary	Annual Salary
Chief Librarian	Nicholas Winowich	$550.00	$6,600.00
Chief Extension Librarian	Frances Alderson	440.42	5,285.00
Chief Boys and Girls Librarian	Wilma Brown	440.42	5,285.00
Chief Catalog Librarian	Jane Brugger	440.42	5,285.00
Chief Circulation Librarian	Juliette Bryson	494.08	5,929.00
Chief Reference Librarian	Frances Gerard	380.42	4,565.00
Circulation Librarian	Sura Bart	334.08	4,009.00
Circulation Librarian	Ruth Figgatt	371.59	4,459.00
Extension Librarian	Dorothy Francis	334.08	4,009.00
Circulation Librarian	Margaret Hilliard	371.59	4,459.00
Preparation and Binding Librarian	Robert F. Simmons	314.50	3,774.00
Boys and Girls Librarian	To be appointed	321.58	3,859.00
Reference Librarian	Ida A. Bullen	321.58	3,859.00
Circulation Librarian - part-time	Hazel Fisher	52.08	625.00
			$62,002.00

Non-Professional Staff

Librarian's Secretary	Lorena Ammar	280.00	$3,360.00
Senior Clerk, Boys and Girls (part-time)	Linda Dugan	135.00	1,620.00
Senior Clerk, Catalog	Beverly Thompson	185.00	2,220.00
Senior Clerk, Circulation	Marjorie Cook	175.00	2,100.00
Senior Clerk, Extension	Joyce Isner	185.00	2,220.00

Position	Employees	Monthly Salary	Annual Salary
Senior Clerk, Catalog	Christine Parrish	$180.00	$2,160.00
Special Clerk, Office	Paula Pfost	195.00	2,340.00
Senior Clerk, Boys and Girls	Alice Rose Ringel	175.00	2,100.00
Senior Clerk, Circulation	Betty Sexton	180.00	2,160.00
Senior Clerk, Circulation (part-time)	Carolyn Smith	90.00	1,080.00
Senior Clerk, Extension	Laverta Spurlock	214.00	2,568.00
Special Clerk, Extension	Ninnetta Mae Thomas	200.00	2,400.00
Senior Clerk, Circulation (part-time)	Alice Wilkerson	90.00	1,080.00
Order Clerk	Mary Marcella Mays	215.00	2,580.00
Senior Clerk, Circulation	Barbara Rose Schumann	175.00	2,100.00
Senior Clerk, Extension	Mary Louise Perriello	175.00	2,100.00
Senior Clerk, Boys and Girls New Position	To be appointed	175.00	2,100.00
Bookmobile	To be appointed	220.00	2,640.00
Page, Reference	Peggy Ann Douglas	58.50	702.00
Page, Reference (Sept.-April)	To be appointed	37.50	300.00
Page, Circulation	Jack Dugan	58.50	702.00
Page, Circulation	Sandra Sue Farrell	58.50	702.00
Page, Circulation	Jerry R. Jeffrey	58.50	702.00
Page, Circulation	Thomas F. Whaley	58.50	702.00
Page, Extension	Larry Matheney	58.50	702.00
Page, Extension	William D. Lovejoy	58.50	702.00
Page, Goys and Girls	Mary Kay Plovanich	58.50	702.00
Page, Boys and Girls	Nancy Ringel	45.50	546.00
Page, Boys and Girls	Margaret Vitiello	26.00	312.00
			$45,702.00

Vacation Substitutes

1 librarian 2½ months @ $321.58	$ 803.95
1 librarian 2½ months @ $321.58	803.95
1 temporary driver for deposit collection	178.90
1 substitute driver 14 days	109.20
	$1,896.00

TOTAL SALARY BUDGET	$109,600.00

Books

Books		
Boys and Girls	$4,500.00	
Circulation	8,600.00	
Extension	8,000.00	
Reference	3,500.00	
		$24,600.00
Audio-Visual	$ 700.00	
Binding	2,000.00	
Book Contingency - Librarian	50.00	
Catalog Cards	366.00	
Continuations	1,600.00	
Periodicals	1,700.00	
Postage	100.00	
		6,516.00
		$31,116.00

Salaries - Building

Position	Employee	Monthly Salary	Annual Salary
Building Superintendent	Charles B. Lander	$260.00	$3,120.00
Janitor	Carl Adams	200.00	2,400.00
Janitor	Fred Skiles	210.00	2,520.00
			$8,040.00

Repairs and Maintenance

Tires for bookmobile	$ 200.00
Work on bookmobile	250.00
Smoke stack	300.00
General repairs - replacing glass, repairing light fixtures, paint removing pigeons, upholstering chairs, repairing on phonograph, and others.	750.00
	$1,500.00

Utilities

Electricity	$2,750.00
Gas	1,000.00
Telephone	758.00
Sewerage	90.00
Water	120.00
	$4,718.00

Service Contracts

Fred Skiles - Hauling trash - 12 months @ $20.00	$240.00
Gaylord Brothers - rental of charging machine for one year	50.00
General Window Cleaning - 6 months @ $52.00 - washing windows	312.00
Incinerator fee - City of Charleston - for one year	11.00
International Business Machines - contract for electric typewriter	30.00
Orkin Exterminating Company - 12 months @ $10.00	120.00
Property Protection Company - recharging of fire extinguishers	16.50
Laird Office Equipment - once every 3 months @ $6.00 - mimeo. machine	24.00
Johnson Office Equipment Company - maintenance contract for 10 typewriters	141.50
	$945.00

Building Supplies

Fluorescent tubes - lamps	$300.00
Wax, steel wool buffing pads, brooms, mops, soap and other items	300.00
	$600.00

Office and Library Supplies

Catalog Cards	$ 305.00
Book Pockets	173.00
Plastic Paste	96.00
Book Bags	70.00
Date Due Cards	40.00
Bookote	90.00
Postal Cards and Stamps	350.00
Application Cards - Juvenile	50.00
Stencils	50.00
Vacation Reading Club	60.00
Picture Collection Paper	26.00
Mimeograph Paper	75.00
NOOB Pins	200.00
	$1,585.00
Mending supplies, printed forms, envelopes, stationery, typing paper, and other supplies	1,075.00
	$2,660.00

Insurance

	Amount Insured	One Year Premium
Building - fire	$500,000.00	$1,150.00
Building - shelving, furniture and fixtures	53,000.00	61.83
Valuable papers	173,362.06	264.67
Boiler explosion	20,000.00	59.33
Bookmobile contents - fire and theft	4,258.20	13.20
Bookmobile - public liability and property damage	various	75.40
Fine arts - paintings	3,950.00	5.31
Workmen's Compensation	various	173.85
Public Liability - Building and Bookmobile	various	150.02
		$1,953.61

Vehicles Supplies

Gasoline, lubrication, grease, oil for bookmobile and truck	$1,056.00
Washing bookmobile	120.00
	$1,176.00

Furniture and Equipment

Desk	$150.00
Two filing cabinets	300.00
	$450.00

Travel

Librarian and one staff member to attend American Library Association Conference in Kansas City	$370.00
Five members to attend West Virginia Library Association in Beckley	100.00
Librarian to attend American Library Association Midwinter Meeting	180.00
Librarian to attend West Virginia Library Association	50.00
	$700.00

Printing

Annual Reports - 750 copies	$105.00
Bookmobile - 10,000 Fall and Winter Schedules	145.00
Welcome Wagon Folders - 2,000 copies	28.00
Bookmobile - Summer Schedule	122.00
	$400.00

Memberships

American Library Association - institutional	$76.00
West Virginia Library Association	5.00
	$81.00

Contingencies

Ad in library publications	$60.00

ENROLLED

House Bill No. 161

(By Mr. Davis and Mr. Jones)

[Passed March 6, 1957; in effect ninety days from passage.]

AN ACT to establish the Kanawha county public library to serve the residents of the city of Charleston and of the county of Kanawha; to create a library board with power to operate the said public library; to provide a stable method of financing the operation of the said public library; and to confer upon the employees of the said public library the benefits of chapter twenty-three, article seven-a, chapter eighteen, article seven, chapter five and chapter twenty-one-a of the code of West Virginia, one thousand nine hundred thirty-one.

Be it enacted by the Legislature of West Virginia:

Section 1. *Kanawha County Public Library Created.*—There is hereby created a public library, which shall be known as the "Kanawha County Public Library," which shall be supported by the board of education of the county of Kanawha, the county court of Kanawha county and the

city of Charleston, as a joint endeavor of the three governing authorities in the manner hereafter prescribed.

Sec. 2. *Board of Directors; Appointment, Powers and Duties.*—There shall be a board of eighteen directors, who shall serve without compensation. Before the first day of July, one thousand nine hundred fifty-seven, the board of education of the county of Kanawha shall appoint the members of the said board of directors, appointing three persons for one year, three persons for two years, three persons for three years, three persons for four years, three persons for five years and three persons for six years, respectively, the term of office commencing July first, one thousand nine hundred fifty-seven. Their respective successors shall be appointed for a term of six years each, except that any person appointed to fill a vacancy occurring before the expiration of theterm vacated shall serve only for the unexpired term. A member shall be eligible for reappointment. The board of education of the county of Kanawha may remove any director for cause which it deems sufficient. There shall be an annual meeting of the board of directors on the first Friday in July in each year;

and a monthly meeting on the day in each month which the board may designate in its by-laws. A special meeting may be called by the president, the secretary or any two members of the board, and shall be held only after all the directors are given notice thereof. At all meetings four members shall constitute a quorum. At each annual meeting the board of directors shall elect, from its membership, a president, a vice president, a secretary and a treasurer: *Provided, however,* That the librarian may be elected secretary and/or treasurer. The board of directors shall adopt such by-laws, rules and regulations as are necessary for its own guidance and for the administration, supervision and protection of the library and all property belonging thereto. The board of directors shall have all the powers necessary, convenient and advisable for the proper operation, equipment and management of the said library; and, except as otherwise specially provided in this act, shall have the powers and be subject to the duties which are conferred and imposed, respectively, upon library directors by sections six, seven, eight, nine, ten and eleven of article one of chapter ten of the code

of West Virginia, one thousand nine hundred thirty-one, as presently amended. The board of directors shall have the benefits arising out of the creation and continuance of the state library commission of West Virginia.

Sec. 3. *Library Board to be a Corporation.*—The board of directors of the public library hereby created shall be a corporation; and as such it may contract and be contracted with, sue and be sued, plead and be impleaded, and shall have and use a common seal.

Sec. 4. *Title to Property.*—The title to all property, both real and personal, now devoted to public library purposes by the board of education of the county of Kanawha in connection with the operation by it of a public library in the city of Charleston and the county of Kanawha shall, on July first, one thousand nine hundred fifty-seven, vest in the public library hereby created.

Sec. 5. *Financing.*—In order to provide for the support, maintenance and operation of the public library hereby created, and any and all branches thereof, the supporting governing authorities shall, upon written request by its board of directors, levy annually as follows within the

respective taxing districts of the governing authorities, on each one hundred dollars of assessed valuation of the property taxable in the area served by it according to the last assessment for state and county purposes, amounts not exceeding the following amounts for the fiscal year beginning July first, one thousand nine hundred fifty-seven, and for each succeeding fiscal year, as follows: by the board of education of the county of Kanawha, class one, one cent; class two, two cents; class three, four cents; class four, four cents; by the county court of Kanawha county, class one, one cent; class two, two cents; class three, four cents; class four, four cents; and by the city of Charleston, class one, one cent; class two, two cents; class four, four cents. Each year the board of directors shall request each of the three governing authorities to levy the same amount on each one hundred dollars of assessed valuation of property of the same class, and the amount of the levy on the respective classes of property shall be in the same ratio as the maximum amount of levy on the said classes of property authorized herein. In addition to the aforesaid amounts which, upon written request by

the board, the governing authorities shall levy, each governing authority may support the public library with any other general or special revenues or excess levies. All income realized by the operation of the public library from any sources other than the above levies shall be used by the board of directors for the support and maintenance of the public library.

Sec. 6. *Disbursements.*—All money collected or appropriated by the three governing authorities for library purposes shall be deposited in a special account of the board of education of the county of Kanawha, and shall be disbursed by it, as directed by the board of directors, for salaries, wages, books, magazines, pamphlets, papers, pictures, records, machinery, equipment, supplies, services and other costs and expenses of operating the public library and maintaining, repairing and replacing its property, as well as acquiring additional property.

Sec. 7. *Status of Employees.*—All employees of the public library hereby created shall be deemed to be employees of the board of education of the county of Kanawha, insofar as the provisions of chapter twenty-three, article

seven-a; chapter eighteen, article seven; chapter five and chapter twenty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as presently amended, are concerned; and the board of education of the county of Kanawha shall be reimbursed from the funds of the public library for all expenditures made for premiums and other costs in accordance with the provisions of the said statutes.

Sec. 8. *Effect of Future Amendments of General Law.*—Amendments to article one, chapter ten of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and other general laws shall control this act only to the extent that they do not conflict with the special features hereof, or unless the intent to amend this act is clear and unmistakable.

Sec. 9. *Severability.*—If any provision hereof is held invalid, such invalidity shall not affect other provisions hereof which can be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect ..... passage

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker, House of Delegates

The within ..... this the

day of ..... , 1957.

Governor

BEST IN BOOKS

ANNUAL REPORT

1956/1957

Kanawha County Public Library

Charleston, West Virginia

KANAWHA COUNTY PUBLIC LIBRARY

Lee and Hale Streets

Charleston, West Virginia

Hours: 10-9 Monday - Friday
10-6 Saturday

Books To Take Home

Reference and Information Service

Telephone DIckens 2-2181

BOOKS FOR EVERYONE

166,000 of them!

KANAWHA COUNTY PUBLIC LIBRARY

Herbert M. Beddow, President

Albert Anson, Jr.
Harry G. Kennedy
Mrs. Julia A. O'Connor
A. S. Thomas, Jr.

L. K. Lovenstein, Secretary and Superintendent of Schools

KANAWHA COUNTY PUBLIC LIBRARY
Board of Directors

John V. Ray, President
Arthur Hanson, Vice-President

Mrs. Wilson Anderson
Mrs. Benjamin Brown
Roy Bird Cook
C. C. Dickinson, Sr.
Virgil L. Flinn
Sydney M. Kleeman
L. K. Lovenstein
Colonel Walter C. Phillips
John A. Pianfetti
Leonard Riggleman
Mrs. H. D. Rummel (Honorary)
Donald C. Shonk
R. L. Sibley
Mrs. J. R. Thomas (Deceased)
Charles A. Williamson
John A. Young

Nicholas Winowich, Director and Secretary of the Board

LIBRARY STAFF

Professional

Frances Alderson
Sura M. Bart
Wilma G. Brown
Jane Brugger
Juliette Bryson
Ruth E. Figgatt
Dorothy Francis
Frances Gerard
Mrs. Margaret Hilliard
Robert F. Simmons

Non-Professional

Lorena Ammar
Floyd Bowen
Marjorie Cooke
Mrs. Joyce Isner
Mary Mays
Mrs. Christine Parrish
Mrs. Paula Pfost
Mary Perriello
Alice Ringel
Barbara Schumann
Betty Sexton
Mrs. Laverta Spurlock
Ninnetta Mae Thomas
Mrs. Beverly Thompson

Building Staff

Charles B. Lander, Building Superintendent

Carl Adams
Fred Skiles

14 Additional Staff Members

ANNUAL REPORT, 1956/1957

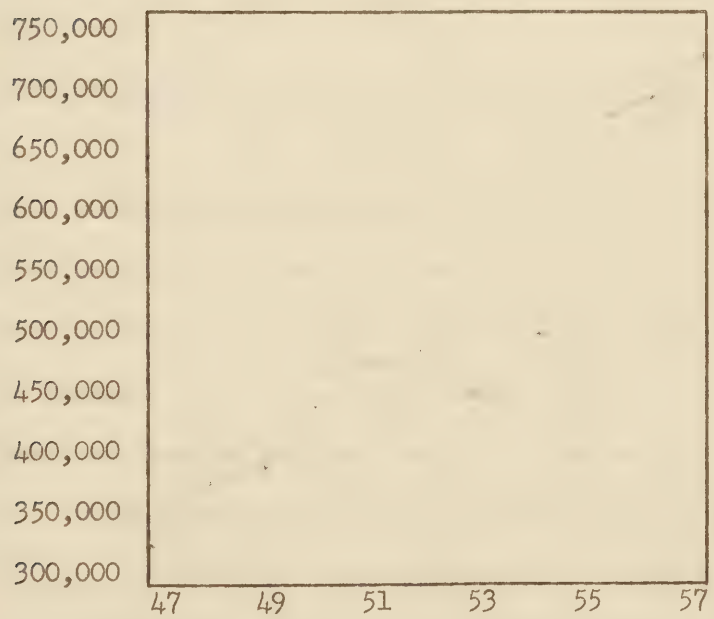
To the Board of Directors of the Kanawha County Public Library: the Librarian's annual report for the period July 1, 1956 to June 30, 1957, is herewith submitted:

INTRODUCTION

Looking back over the last ten years our records show that circulation of library materials has increased 95% and that registration of borrowers has grown by 42%. The residents of Kanawha County clearly demonstrate an ever increasing need for modern and complete library services through their use of the Kanawha County Public Library.

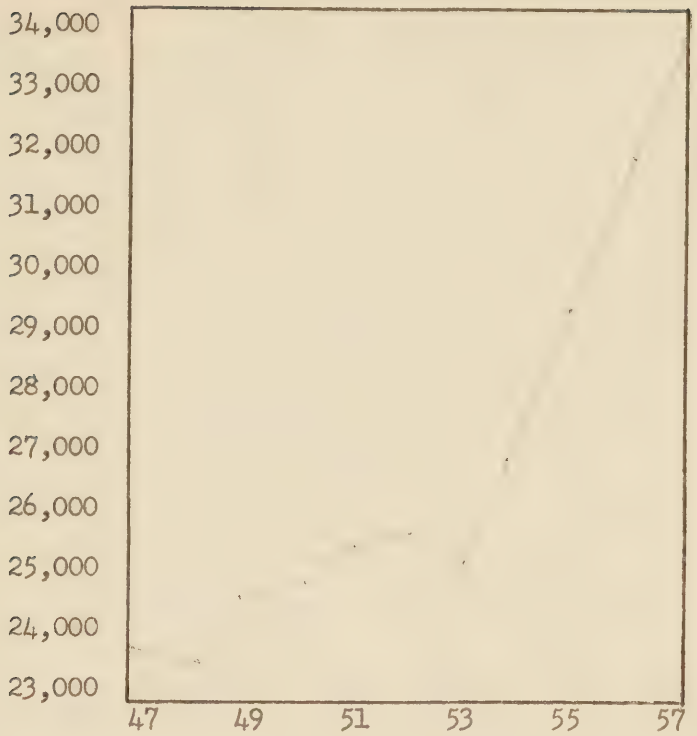
GROWTH IN CIRCULATION

1947/1957



GROWTH IN REGISTRATION

1947/1957



And yet, it should be pointed out, one does not measure the success or failure of a library program by merely citing circulation and registration figures. An effective library program offers a great deal more to the community it serves. One cannot take a yardstick to patron satisfaction, for example, and say that "in a course of a year's time, thus is so." It takes more than books, building and bookmobile to make a library. The effectiveness of any organization is largely measured by the quality of its staff. In order for library services to be effective

and satisfactory there must be an adequate and competent staff who, with intelligence and imagination, are capable of collecting and organizing library materials, and interpreting these materials to the library patron.

The Kanawha County Public Library does many things for many people. Here, as across the nation, people recognize and appreciate the role of the public library; they like what they get at the library and want more of it as the years go by.

HISTORY

The history of the Kanawha County Public Library begins in July, 1908, when a committee of the Woman's Kanawha Literary Club was appointed to organize action in support of a public library for Charleston.

Their plans became a reality when on June 3, 1909 - the Charleston Public Library was opened to the public. Its quarters were in the Y.M.C.A. Building on Capitol and Washington Streets with Miss Mabel Delle Jones as the first librarian.

In the early years of its existence, the library's quarters were changed frequently. The first move occurred in the summer of 1912 when the Y.M.C.A. needed space to accommodate its own expanding services. Rent free rooms were provided by the First Presbyterian Church on Quarrier Street and the library moved into the former residence of the pastor. On May 15, 1913, the library was moved to the Y.W.C.A. Building on Virginia Street, just east of McFarland. On September 3, 1914, the library secured quarters at McFarland and Kanawha Streets (Kanawha Boulevard). The library

remained here until March, 1921, when it moved to the Red Cross Building on the levee near Capitol Street. Finally, in May, 1926, the library moved to its present site.

The present home of the Kanawha County Public Library is the old Capitol Annex Building located at Lee, Hale, and Dickinson Streets in downtown Charleston. The building was completed in March, 1904, adjacent to the old state capitol, to house the West Virginia State Supreme Court, the Auditor's and Treasurer's offices and the offices of the Adjutant General. Later the West Virginia Department of Archives and History occupied the top floor.

The Capitol Annex and grounds were purchased in 1924 for $400,000.00 for the purpose of establishing a public library.

In 1934 the Charleston Public Library became the Kanawha County Public Library.

Organizations and institutions such as the Red Cross, Boy Scouts, Morris Harvey College, State Teachers Retirement Board and the West Virginia State Medical Association, also maintained offices in the building at one time or another. Since 1949, when it was incorporated, the Charleston Children's Museum has occupied rent free quarters.

LIBRARY BILL

A milestone in the history of West Virginia's public libraries was reached in 1957 with the passage, by the 53rd Legislature, of the Kanawha County Public Library bill.

The bill was passed by the House of Delegates on January 25, 1957, and by the Senate on March 6. The bill was signed by Governor Underwood on March 15.

The law provides that the library will be supported by the Kanawha County Board of Education, City of Charleston and Kanawha County Court as a joint endeavor. Support is to be provided as follows: both the Board of Education and County Court will share equal financial responsibility - approximately 40% each. The City of Charleston will supply the remaining 20%.

The general functioning of the library will continue much as in the past. The library's operation will be supervised by a board of 18 members. The Library Board will be a corporate body. The library's name is to remain the same.

HOW YOUR LIBRARY CAN SERVE YOU

The Kanawha County Public Library has a collection of 165,866 books designed to meet the reading needs of the whole family. The library has four public departments with a staff of professional librarians who are specialists in their fields.

Boys and Girls Department

BOOKS for children - picture-book age to the ninth grade.

STORY HOUR and PUPPET SHOWS are regular features.

A SPECIALIST in CHILDREN'S LITERATURE is available for school and community meetings.

Collections of BOOKS for CLASSROOM USE are available to teachers.

Department sponsored READING CLUBS stimulate school children to read more and develop sound reading habits.

Circulation Department

You may borrow the latest BOOKS in many fields.

Brief and up-to-date information can be obtained from 10,000 PAMPHLETS covering 800 subjects.

If you like music borrow PHONOGRAPH RECORDS from the collection of 1,350 recordings.

The PICTURE COLLECTION has 900 subjects and over 12,400 pictures.

The teen-age group has the YOUNG ADULT COLLECTION of books selected from the best to serve their interests.

FILMS are available to community groups or individuals who live in Kanawha County and who can provide a 16mm sound projector.

Individual reading guidance is provided by professional librarians through our READERS ADVISORY SERVICE.

Extension Department

County residents use the services of the EXTENSION DEPARTMENT.

The BOOKMOBILE is a traveling library with a collection of 3,500 books for all ages and interests.

DEPOSIT COLLECTIONS of 100-200 books may be borrowed by schools and responsible community groups for periods of several months.

Collections of BOOKS for CLASSROOM use are available to county school teachers.

READING CLUBS for county school children are sponsored by the department to stimulate school children to read more and to develop sound reading.

Reference Department

A WORLD of INFORMATION.

Your TELEPHONE can be used for QUICK REFERENCE SERVICE.

You will find 370 outstanding MAGAZINES to give you information and pleasure.

The department has many SPECIAL INDEXES which make it possible for trained librarians to quickly find information in books and periodicals.

The leading FINANCIAL SERVICES are yours to use.

Back issues of newspaper and magazine titles are available on MICROFILM.

The library subscribes to 21 of the nation's leading NEWSPAPERS.

The large file of out-of-town TELEPHONE DIRECTORIES can be of great help.

The excellent collection of BUSINESS DIRECTORIES can save you time and money.

You will find a large collection of COLLEGE CATALOGS.

WEST VIRGINIA and LOCAL HISTORY material are available for use in the library.

SPECIAL SERVICES

READING LISTS for information and pleasure.

Special BOOKLISTS can be prepared for college, business, church groups, clubs, industry and etc.

INTER-LIBRARY LOANS can be arranged for books not in our own book collection.

PERSONNEL

Mr. Mark Crum was succeeded by Mr. Nicholas Winowich of McKeesport, Pennsylvania on October 24, 1956. Mr. Crum resigned to accept the position

of Director of the Kalamazoo Public Library, Kalamazoo, Michigan.

Turnover in personnel was low. Resignations among professional librarians were few. One returned to Kentucky to be closer to home, and the other left because of an opportunity to advance to a better position at a much larger salary. Mrs. Sura Bart was appointed in September 1956 to fill a vacancy in the Circulation Department. Miss Frances Gerard was promoted in March 1957 to Chief Reference Librarian. There are still two unfilled professional positions - one of which will be filled on July 1, 1957. There was one retirement, that of Mr. C. F. House, the bookmobile driver. Six vacancies occurred on the non-professional staff for reasons of marriage, family and job advancement.

BUILDING

The administrative and business offices, ground floor hallway and cataloging rooms have been repainted. Before this work could begin, it was necessary to patch the plaster on some walls and ceilings. I am pleased to report that these areas are once again pleasant in atmosphere and provide a source of satisfaction.

The building superintendent and his staff are still waging a sometimes successful battle in our war against pigeons.

Several ranges of unused bookstacks were moved into the Circulation Department to relieve overcrowded conditions.

LIBRARY BOARD

At the annual meeting on July 13, 1956, Mr. John V. Ray was re-elected to the office of President and Mr. Arthur Hanson was re-elected Vice-President of the Library Board.

Mr. L. K. Lovenstein was appointed to the Library Board in August, 1956, to serve the unexpired term of the late Judge Arthur P. Hudson.

It is with profound sorrow that we record the death of Mrs. Nancy Ruth Baker Thomas on October 2, 1956. Appointed to the Library Board January, 1954, Mrs. Thomas quickly informed herself in library matters and problems and thereafter she manifested a keen interest in the welfare of the library.

GIFT POSSIBILITIES

The Kanawha County Public Library welcomes gifts of money for memorial book collections and for the installation of new and needed library services and facilities.

Memorial bequests or gifts to the Kanawha County Public Library enshrine the names of the donor or deceased and offer a gracious and lasting tribute to the memory of a friend, relative or loved one.

No precise words are necessary to a valid legacy to the Kanawha County Public Library. The following clause, however, may be suggested:

"I give the KANAWHA COUNTY PUBLIC LIBRARY the sum of _____ dollars."

The Kanawha County Public Library is a member of the American Library Association, the West Virginia Library Association and the Kanawha Welfare Council.

Many of its staff members are affiliated with professional and community organizations.

ACKNOWLEDGMENTS

An expression of kind thanks and grateful appreciation is extended to the Daily Mail and Gazette for the splendid editorial and news support which both newspapers gave to our LIBRARY BILL. We are also indebted to them for their gracious efforts in answering our requests for additional library publicity.

To the various garden clubs of the Kanawha Garden Council, our gratitude and appreciation for taking the time, effort and interest to beautify the library grounds. By doing what they did, these wonderful ladies saw to it that an island of green now exists in a sea of asphalt and concrete.

I wish to thank the administrative staff of the Kanawha County Board of Education for the advice and help freely given in response to numerous requests.

To the many kind friends of the Kanawha County Public Library who volunteered freely of their services to aid us in such tasks as mending, pasting and shelving, and to those who gave money, books, magazines, phonograph records and other gifts, we say thank you.

A sincere expression of appreciation is extended to the men and women of the Kanawha County Public Library staff for the kindness and understanding they have shown me, and for the effort they have put forth in making this the best public library in West Virginia.

Finally, to the ladies and gentlemen of the Library Board, many kind thanks for their interest and cooperation.

Respectfully submitted,

Nathan Winrock

Librarian

MOST POPULAR TITLES OF 1956

FICTION

THE NUN'S STORY by Kathryn C. Hulme

PEYTON PLACE by Grace Metalious

THE LAST HURRAH by Edwin O'Connor

BLUE CAMELLIA by Frances Parkinson Keyes

COMPULSION by Meyer Levin

NON-FICTION

THIS HALLOWED GROUND by Bruce Catton

YOUTH: THE YEARS FROM TEN TO SIXTEEN by Arnold L. Gessell

PROFILES IN COURAGE by John F. Kennedy

THE F.B.I. STORY: A REPORT TO THE PEOPLE by Donald F. Whitehead

THE ORGANIZATION MAN by William H ollingsworth Whyte

LIBRARY COSTS PER CAPITA

Year	Population Kanawha County	Library Budget	Expense Per Capita
1947	195,619	$ 85,797.00	43¢
1948	195,619	115,040.80	58¢
1949	195,619	115,000.00	58¢
1950	239,629	125,000.00	52¢
1951	239,629	134,542.56	56¢
1952	239,629	137,972.89	57¢
1953	239,629	138,301.37	57¢
1954	239,629	152,399.00	63¢
1955	239,629	145,501.00	61¢
1956	239,629	148,501.00	62¢
1957	239,629	151,000.00	63¢
1958	239,629	164,000.00	68¢

The Library Services Branch of the U. S. Department of Health, Education and Welfare reports that in the fiscal year 1956 the annual per capita expenditure of 148 selected county and regional libraries was 97 cents.

EXPENDITURES

July 1, 1956 - June 30, 1957

Salaries	
Staff salaries	$97,334.76
Books	
Books	23,613.96
Audio-visual	700.88
Subtotal	24,314.84
Binding	1,478.86
Periodicals	1,845.20
Total	27,638.90
Building and Other Expenses	
Salaries - building staff	8,066.67
Repairs and maintenance	4,091.54
Utilities	4,752.28
Service contracts	886.39
Building supplies	548.39
Office and library supplies	3,070.38
Insurance	794.00
Vehicles supplies	1,095.75
Furniture and equipment	1,561.40
Travel	603.74
Printing	401.65
Memberships	80.50
Contingencies	84.81
Total	26,037.50
GRAND TOTAL	$151,011.16

APPROPRIATION, OPERATING BUDGET, FISCAL 1956/1957

Board of Education	126,000.00
City of Charleston	25,000.00
Revolving Book Fund	25.00
Total	$151,025.00
UNEXPENDED BALANCE	$13.84

Short selections

Lowering and maintenance
Service conditions
Building operations
Office and library regulations
Insurance
Vacation rules
Furniture and equipment
Travel
Painting
Condemnation
Total

Journal of Education
City of Organization
Township Book Fund
Total

STATISTICAL REPORT

July 1, 1956 - June 30, 1957

Population served: 239,629 (1950 census).

Agencies: Main Library, one bookmobile serving 48 stops, deposit collections in approximately 649 elementary school rooms outside Charleston.

BOOK CIRCULATION

	1956/57	1955/56
CITY CIRCULATION		
Borrowed from Main Library		
Boys and Girls Department	231,072	210,595
Circulation Department	134,273	124,877
	365,345	335,472
COUNTY CIRCULATION		
Borrowed from Extension Department		
Bookmobile	111,558	98,954
Deposit Collections	246,933	243,539
	358,491	342,493
TOTAL ANNUAL CIRCULATION	723,836	677,965

BOOK STOCK

	1956/57	1955/56
Number of volumes at end of year	165,866	160,136
Number of volumes added	9,762	11,542
Number of volumes withdrawn	4,032	3,517
Number of periodicals received	395	366
Number of newspapers received	19	21

BORROWERS REGISTERED

	1956/57	1955/56
Total number of registered borrowers	33,698	31,424
Total number registered during year	11,985	11,361
Children estimated to use deposit collections, in addition to the above	12,840	11,868

Time required of staff: 40 hours a week
Library open 307 days, 63 hours a week

Of all the inanimate objects, of all men's creations, books are the nearest to us, for they contain our very thoughts, our ambitions, our indignations, our illusions, our fidelity to truth, and our persistent leaning toward error. But most of all they resemble us in their precarious hold on life.

—Joseph Conrad

MINUTES OF A MEETING OF THE

BOARD OF DIRECTORS

KANAWHA COUNTY PUBLIC LIBRARY

HELD ON

AUGUST 6, 1957

The regular meeting of the Library Board of the Kanawha County Public Library was held on August 6, 1957, at 4:00 p.m. in the Board Room of the Library.

The following members were present:

Mr Hanson, Acting Chairman
Mrs Anderson
Mrs Brown
Dr Cook
Mr Dickinson
Mr Lovenstein
Colonel Phillips
Mr Williamson
Mr Young

The Secretary reported that a quorum was present.

The minutes of the July 1, 1957, meeting were approved.

Director's Monthly Report. The Director read his report of the various departmental activities of the library for the month of July. Following discussion the report was accepted and ordered filed and the Director was instructed to publish any parts of the report as he might deem desirable.

Reports of Committees

Special Committee on Finances. A report was made by Mr Hanson, Mr Kleeman and Mr Williamson, members of the Special Committee on Finances, who met with the Finance Committee of the City of Charleston on July 30, 1957. After considerable discussion, it was ordered that the statements made by the

representatives of the Library Board be reproduced and mailed to each member of the Library Board, and that a copy of each statement be filed with the minutes of this meeting, as a part thereof. Mr Hanson added that he had just received word that the Finance Committee of the City of Charleston had agreed to make a voluntary contribution of $20,000 to the Kanawha County Public Library. Following extended discussion, it was agreed that the Special Committee on Finances would take such action as it deemed to be for the best interests and the welfare of the Library.

Treasurer's Report. The Acting Chairman asked the Director for the Treasurer's Report which was then read at the meeting. Colonel Phillips moved, Dr Cook seconding, that the report be accepted and filed.

Approval of Bills. The Director submitted Book Bills List No. 2 and General Bills List No. 2, duly certified and approved in accordance with the By-Laws, and, on motion made by Dr Cook seconded by Colonel Phillips, and duly passed, it was ordered that the bills set out on the two lists be paid and that the said bills be transmitted for that purpose by the Director to the Board of Education of the County of Kanawha.

Approval of Expenditures from Special Funds. The Director submitted Special Funds Book List No. 1 duly certified and approved in accordance with the By-Laws, and on motion made by Dr Cook, seconded by Colonel Phillips, and duly passed, it was ordered that the bills set out in the said list be paid.

UNFINISHED BUSINESS

Special Committee on Finances. The Acting Chairman reported that the

committee's plans include a visit to the Board of Directors of the Kanawha County Board of Education and the County Court of Kanawha County.

NEW BUSINESS

High School Volunteers. Mr Kleeman moved, Dr Cook seconding, that the Director be permitted to reimburse, from the petty cash fund, the bus fare of those high school students doing volunteer work in the Kanawha County Public Library. The motion passed.

Radio-TV Workshop. The Director reported that WCHS Radio and WCHS-TV, in cooperation with Morris Harvey College, is conduction a one day workshop designed to acquaint institutions and organizations in the techniques of publicizing their activities on radio and television. It was agreed that the Director and one other member of the staff will attend the workshop.

Bookmobile and Truck Insurance. The Director reported that insurance on the Reo Bookmobile and GMC Panel Truck was due to expire at midnight, August 14, 1957. He presented several bids, and after considerable discussion, Colonel Phillips moved, Mr Dickinson seconding, that the necessary vehicle insurance be purchased from the Nationwide Mutual Insurance Company on a basis of being low bidder and providing previously satisfactory service.

Insurance Study. A thorough discussion involving the Kanawha County Public Library insurance program took place. On a motion made by Mr Kleeman, seconded by Colonel Phillips, the Finance Committee was authorized and directed to make a complete study of the library's insurance program, including public liability, Workmen's Compensation, and to report its findings at the

September meeting.

Personnel and Salary Changes. The Director submitted a list of Personnel and Salary Changes, and on motion duly made, seconded and carried all the changes were ratified, approved and confirmed.

There being no further business, the meeting on motion adjourned.

Acting Chairman

Nicholas Winowich
Secretary

The demand for public library facilities and services in the United States has become greater every year since the opening of the first tax supported public library in Peterborough, N.H., in 1833.

In response to this demand more than 7,500 public libraries have been opened in this country, and annually they serve an estimated 150,000,000 people.

In West Virginia the largest--and unquestionably the best--public library is our own Kanawha County Public Library.

It has a collection of 166,000 books, along with extensive holdings of periodicals, pamphlets, phonograph records and other materials.

Charlestonians and other Kanawha County residents make vast use of these library holdings and services--and their demand is ever increasing.

During the past 10 years the circulation of library materials has grown 95 per cent and holders of library cards have increased 42 per cent.

Last year the library circulated nearly three-quarters of a million books. Fifty-one per cent of these were borrowed and read by Charleston people: that comes to four books for each Charleston borrower for the year.

One of every three Charleston adults (14 years of age and over) owns a library card.

More than half of Charleston's youngsters (aged 6 to 13) own library cards.

Kanawha County Public Library functions are divided roughly into four public departments. These are:

1. Boys and girls department--which offers the youth of the city and county complete resources for reading for education and pleasure.

2. Circulation department--which selects and provides the best in books, pamphlets, phonograph records and even pictures for adults.

3. Extension department--which takes the library services and facilities to the reader, by means of a library on wheels--the Bookmobile--and distribution of collections of selected books in county schools and to responsible community groups.

4. Reference department--which provides the facilities for finding the answers to all manner of problems and questions; and which offers direct assistance to the library patron through guidance and interpretative aid in the use of these reference materials.

Your public library is ever seeking to meet the new needs and demands of the city's and county's people.

Two Bookmobile stops are being inaugurated this fall within Charleston's limits--one will be at Orchard Manor, the other in Kanawha City.

New books are constantly being acquired to meet the full reading requirements of library patrons.

The library works closely with community bodies, adult education groups, PTAs, the Childrens' Museum, college classes, scouting organizations--and, of course, our public school system.

More detailed information on the Kanawha County Public Library and its work is included in its 1956-57 annual report, which is now being prepared for publication. As in the past, copies will be sent to City Council members.

Also, the current issue of "This Week In Charleston" contains an interesting and informative review of the library's services to the community.

Charleston and Kanawha County people have clearly demonstrated an ever-increasing need for modern and complete library services through their use of the Kanawha County Public Library.

Here, as across the nation, people recognize and appreciate the role of the public library: they like what they can get at the library and want more of it as the years go by.

During my first few years in Charleston Blaine's island was a buttress of earth rising out of the Kanawha river. I think some people camped there on occasion; others went by canoes for picnics. What wealth it produced from the soil, I do not know. The garden and farm products could not have totaled more than a few hundred dollars.

I am using Blaine's Island as a symbol. What I say about it applies to industries on each side of the river, up and down the valley. In the lifetime of one generation, the farmlands have been transformed into areas of the great and ingenious works of man.

How many millions of dollars these plants create I do not know. Nor do I know how much in a year, nor how much the grand aggregate over the whole period of years is. The total, however, is fabulous. It has brought about wonderful changes in our community and county. I do know that two years ago, the savings fund distributed among its employees by just one company amounted to almost $8 million dollars. That is not payroll, nor is it investment in plant, equipment or supplies---that is the amount this particular group of employees had saved in a two year period.

It is obvious, I think, that this transformation which has taken place on Blaine's Island and elsewhere, has been of invaluable help to everybody. Newspapers have grown; radio and TV have larger audiences, for example; real estate men, doctors, lawyers, insurance people have more clients; wholesalers, distributors, retailers, service industries, our churches---the list is endless---since the 1920's have grown and developed, doubled and redoubled. Our valleys have filled, and the hills are the homesites of thousands. Our city itself is listed as among the 10 better business cities in the whole nation; and the average income of our workers is the second highest of all the cities in the eastern part of the United States.

You would have to look far, indeed, to find anyone who has not been willing to accept these wonderful benefits and enjoy all that man hath wrought here. You could inquire of each in person and you would not find one who is willing to see Blaine's Island return to its primitive state.

I have detailed the foregoing in a brief manner to present one question: Do you know of any investment that pays off more fabulously than learning, and skill, and training?

What is the difference between Blaine's Island as it is now and, as it was, when it grew corn, watermelons and was the site for picnics? Surely the island has been around for a few centuries; the air has been here; the coal has lain underneath our hills; and the gas and the salt brines---these, too, have been here from time immemorial.

What then is this difference?

I submit to you and to all the people whom you represent, that there is but one difference:

> The educated, the trained mind has moved in. Out of his learning, his skill and his imagination, all of the wealth of these later years has been fashioned.

We are here to represent our Library which is among the chiefest of all possessions which are basic to the American Way of Life.

We are here to represent the thousands of school children---more than half of whom in Charleston have library cards; we are here to represent the adults of Charleston, one third of whom have library cards. We are here to represent that gift which America has provided for its people---the freedom to read. We are here to represent those people and businesses who must have a ready reference source for a vast array of information.

But equally important---we are here to represent the individual who wants to progress and grow in wisdom and learning, knowledge and skill; those who, in many cases, have been deprived of the chance for more complete education, who, solely because of a library, have at their disposal, what is surely the second best chance for growth and self-improvement. How do you measure Abraham Lincoln and a book?

If we who are here could have our wish it would be to persuade everybody that in supporting all that pertains to knowledge and learning, we are not giving, rather we are investing; we are spending but a trifle on the fabulous returns which ultimately will belong to the community, and be the possession of everyone in the community.

And as we submit to you the request of the thousands of people who use our library, we want you to keep in mind those who read and study late for self-improvement; those who read for pleasure; those who need a myriad of facts and figures. Among all these things, please remember the island which for centuries divided the waters of a river; but whose products now practically encircle the globe.

This island is a monument to learning---a monument illustrative of how living standards are raised and how prosperity comes to a people.

This is, then, the plea of those who represent our library, who have been appointed to seek your understanding and voluntary financial aid.

Charles A. Williamson

Statement made to Finance Committee, City of Charleston, July 30th, 1957, by the Special Committee on Finances of Kanawha County Public Library, represented by Arthur Hanson, Sidney Kleeman and Charles A. Williamson.

MINUTES OF A MEETING OF THE

BOARD OF DIRECTORS

KANAWHA COUNTY PUBLIC LIBRARY

HELD ON

SEPTEMBER 10, 1957

The regular meeting of the Library Board of the Kanawha County Public Library was held on September 10 at 4:00 p.m. in the Board Room of the Library.

In the absence of the President, Mr. Hanson served as Chairman and called the meeting to order.

The following were present:

Mr. Hanson
Mrs. Brown
Mr. Chilton
Mr. Flinn
Mr. Lovenstein
Colonel Phillips
Dr. Pianfetti

The Chairman asked that a moment of silence be observed in memory of Dr. R. L. Sibley.

The Secretary reported that a quorum was present.

The minutes of the August 6, 1957, meeting were approved.

Director's Monthly Report. The Director read his report on the operation of the Library for the month of August. It was accepted and ordered filed and the Director was instructed to publish any parts of the report as he might deem desirable.

Reports of Committees

Special Committees on Finances. Mr. Hanson reported for the committee when it met with the Kanawha County Court and the Board of Education of the County of Kanawha. Following a lengthy discussion, it was agreed that the President call a special meeting of the Library Board for the purpose of making plans for testing in court the statute which created the Library. In view of the importance of the work, it was agreed that the President should be authorized to retain such legal counsel as he may deem necessary.

Treasurer's Report. The Chairman asked the Director for the Treasurer's report which was then read at the meeting. Colonel Phillips moved, Mr. Lovenstein seconding, that the report be accepted and filed.

Approval of Bills. The Director submitted Book Bills List No. 3 and General Bills List No. 3, duly certified and approved in accordance with the By-Laws, and, on motion made by Mr. Flinn, seconded by Colonel Phillips, and duly passed, it was ordered that the bills set out on the two lists be paid and that the said bills be transmitted for that purpose by the Director to the Board of Education of the County of Kanawha.

Approval of Expenditures from Special Funds. The Director submitted Special Fund List No. 2 duly certified and approved in accordance with the By-Laws, and on motion made by Mr. Flinn, seconded by Colonel Phillips, and duly passed, it was ordered that the bills set out in the said list be paid.

UNFINISHED BUSINESS

Insurance Study. Mr. Hanson reported on the Kanawha County Public Library insurance program. Mr. Lovenstein said that the Board of Education was preparing to turn over to the Library Board all library insurance policies still in its possession. In a discussion involving public liability insurance, the Director was asked to request of the Attorney General of West Virginia an opinion on the question whether the Library could be sued successfully in the event an accident occurred to a patron while in the library or on Library property. The purchase of automobile non-ownership insurance was held in obeyance until the next regularly scheduled meeting of the Library Board.

NEW BUSINESS

Resolution on the Life and Service to the Library of Dr. Robert Luther Sibley. Upon motion by Mr. Flinn, seconded by Colonel Phillips, the following resolution was adopted unanimously.

RESOLVED, That it is with profound sorrow that we record the death of our fellow board member, Robert Luther Sibley on August 18, 1957, in Abilene, Texas.

The Library Board and Staff of the Kanawha County Public Library wish to express its sense of personal loss in the death of Dr. Sibley, and to extend its appreciation of his services as a member of the Library Board and to recognize his interest in and enthusiasm for the Kanawha County Public Library. Dr. Sibley was appointed to the Library Board in August, 1950, and served faithfully to the time of his death.

RESOLVED FURTHER, That a copy of this resolution be transmitted to the family of Robert Luther Sibley that we may extend to them as expression of our sincere sympathy and heartfelt condolence, also that it be spread upon the minutes of this meeting.

Personnel and Salary Changes. The Director submitted a list of Personnel and Salary Changes, and on motion duly made, seconded and carried all the changes were ratified, approved and confirmed.

There being no further business, the meeting on motion adjourned.

Chairman

Secretary

MINUTES OF A MEETING OF THE

BOARD OF DIRECTORS

KANAWHA COUNTY PUBLIC LIBRARY

HELD ON

OCTOBER 8, 1957

The regular meeting of the Library Board of the Kanawha County Public Library was held on October 8, 1957, at 4:00 p.m. in the Board Room of the Library.

The following members were present:

Mr. Ray
Mrs. Anderson
Mrs. Brown
Dr. Cook
Mr. Flinn
Mr. Maurice
Colonel Phillips
Dr. Riggleman

The President presided. The Secretary reported that a quorum was present.

The minutes of the September 10, 1957, meeting were approved.

Correspondence Received. The Director read a letter from Mrs. Alda Sibley Passel in which she expressed her appreciation to the Library Board for its adoption of a resolution on the life and service to the library of her father, Robert Luther Sibley. On motion the letter was ordered to be filed.

Director's Monthly Report. The Director read his report for the month of September in which he reviewed the monthly activities in each department. At the conclusion of the report, several questions were aksed. Following a brief discussion, the report was accepted and ordered filed and the Director

was authorized to publish any parts of the report he might deem desirable.

Reports of Committees

Special Committee on Finances. Mr. Ray, Chairman of the Special Committee on Finances, reported that a meeting of the committee was held on October 2, 1957, to make plans for instituting the proposed mandamus proceeding, and the employment of an attorney to represent the library in the suit. The names of several lawyers were presented to the committee for consideration and the committee expects to secure the services of one in the very near future. There followed a discussion of the present situation.

Treasurer's Report. The Chairman asked the Director for the Treasurer's report which was then read at the meeting. Before the report was accepted and ordered filed, the Director was asked to prepare a brief resume on each of the special funds describing their history and purposes and extent of assets.

Approval of Bills. The Director submitted Book Bills List No. 4, General Bills List No. 4, and Special Funds List No. 3, duly certified and approved in accordance with the By-Laws, and on motion made by Dr. Cook, seconded by Colonel Phillips, and duly passed, it was ordered that the bills on the three lists be paid and that the said bills be transmitted for that purpose by the Director to the Board of Education of the County of Kanawha.

UNFINISHED BUSINESS

Public Liability Insurance. The Director reported that he had sent a letter dated September 18, 1957, to the Attorney General requesting that he give an official opinion on the following questions:

(1) What is the liability of Kanawha County Public Library for damages on account of injuries or loss suffered by library patrons in the library building or on library property?

(2) What is the liability of the directors, officers, agents and employees of Kanawha County Public Library for such damages?

A reply from the Attorney General has not yet been received. The Director was asked to make a personal inquiry for the purpose of obtaining an answer as soon as possible. In the meantime, another 30 day binder, effective to November 8, 1957, has been secured.

Automobile Non-Ownership. After considerable discussion, the Library Board decided that it would not purchase automobile non-ownership insurance at this time.

NEW BUSINESS

West Virginia Library Association Annual Conference. The West Virginia Library Association will convene in Beckley on October 18 and 19 for the 43rd annual meeting. The program will emphasize the theme - "West Virginia Libraries - Their Future." Again this year, several members of the library staff will participate in various conference activities - as officers in the Association, speakers, discussion leaders and as chairmen of committees. Colonel Phillips moved, Mrs. Anderson seconding, that the Library Board approve the payment of expenses for the Director and that an allowance of twenty dollars ($20.00) be granted to each of five other staff members, thus permitting them to attend the annual meeting of the West Virginia Library Association. The motion passed.

Hot Water Heater. The Director reported that the present, old hot water

heater is no longer functioning effectively and safely and thus becomes a hazard. The cost for the replacement, including installation, of a new hot water heater is two hundred and forty-five dollars ($245.00). Colonel Phillips moved, Mrs. Brown seconding, that the Director proceed with the purchase of a new hot water heater. The motion passed.

Smoke Stack. The Director reported that the smoke stack located at the rear of the building on the parking lot is in need of some repairs. A seven-foot section at the base will have to be replaced because of corrosion due to rusting. The Director estimates the cost to be approximately three hundred dollars ($300.00). Colonel Phillips moved, Mrs. Brown seconding, that the Director have the necessary maintenance work done. The motion passed.

Personnel and Salary Changes. The Director submitted a list of Personnel and Salary Changes which he stated are in accord with the salary scale. On motion duly made, seconded, and carried all changes were ratified, approved and confirmed.

There being no further business, the meeting on motion adjourned.

Chairman

Secretary

MINUTES OF A MEETING OF THE

BOARD OF DIRECTORS

KANAWHA COUNTY PUBLIC LIBRARY

HELD ON

NOVEMBER 5, 1957

The regular meeting of the Library Board of the Kanawha County Public Library was held on November 5, 1957, at 4:00 p.m. in the Board Room of the Library.

The following members were present:

Mr. Ray
Mr. Chilton
Dr. Cook
Mr. Dickinson
Colonel Phillips
Dr. Pianfetti
Mr. Williamson

The President presided. The Secretary reported that a quorum was present.

The minutes of the October 8, 1957 meeting were approved.

Director's Monthly Report. The Director read his report on the activities of the library for the month of October. It was ordered received and filed and the Director was authorized to publish such part of the report as he might deem desirable.

Reports of Committees

Special Committee on Finances. Mr. Ray, Chairman of the Special Committee on Finances, reported that Mr. A. G. Stone has been retained to represent Kanawha County Public Library in the mandamus proceeding, which will be filed shortly. A draft of the petition was presented, and after examination of it

there was some discussion.

Approval of Bills. The Director submitted Book Bills List No. 5, General Bills List No. 5, and Special Funds List No. 4, duly certified and approved in accordance with the By-Laws, and on motion made by Dr. Cook, seconded by Colonel Phillips, and duly passed, it was ordered that the bills on the two lists be paid and that the said bills be transmitted for that purpose by the Director to the Board of Education of the County of Kanawha.

NEW BUSINESS

West Virginia Library Association Citation to Roy Bird Cook. The Director read the citation regarding an award given to Roy Bird Cook for his "services to the State and the world of books as an author, friend of authors, scholars and collector." On motion duly made seconded and carried a copy of this citation was ordered to be incorporated in the minutes of this meeting. The said citation is as follows:

ROY BIRD COOK

A Native of Lewis County
Scholar and Historian, Pharmacist
Member of the Kanawha County Public Library Board of Directors

"In 1842 Thomas Jonathan Jackson left Lewis County by stage to enter the United States Military Academy. Four decades and more later, near Weston, another boy came into the world who was destined to become the chronicler of his fellow countian and of much of the

history of early West Virginia, while achieving a most distinguished place in the annals of his profession.

"Dr. Roy Bird Cook as a "barefoot country boy" came to know the hills and roads and streams that Stonewall Jackson knew as a boy. Dr. Cook had long thoughts, even as a schoolboy, on Jackson's life in Lewis County and his later career. He knew members of Jackson's family. He had long conversations with persons who had known Jackson as a youth about the Mill. His interest expanded into collecting other documents and books written about Jackson.

"In 1924 Dr. Cook published the first definitive study of Jackson's formative years, in The Family and Early Life of Stonewall Jackson. This volume, revised in 1948, corrected many errors that had grown up concerning this period of Jackson's life. The documents on which these books are based have become a unique body of source materials which have been consulted by all serious biographers of Jackson in recent years.

"In 1924 and 1925 two pamphlets were published on the impact of the Civil War and the Spanish American War on Lewis County. These were followed by a pioneering study on Washington's land holdings in West Virginia, and by pamphlets on the early history of Charleston and of Daniel Boone in the Kanawha Valley.

"During these years over fifty periodical articles have been published on historical and professional subjects. As pharmacist-historian, Dr. Cook published studies on the history of pharmacy in West Virginia in 1931 and 1946.

"A pharmacist since 1905 in Huntington and Charleston, Dr. Cook has for years served as Secretary of the State Board of Pharmacy. In 1955 he was awarded the nation's highest honor in pharmacy, the Remington Honor Medal, given by the American Pharmaceutical Association.

"For these services to the State and to the world of books, as an author, friend of authors, scholar and collector, the West Virginia Library Association is proud to present to Roy Bird Cook this award for distinguished achievement."

The President and all the said members present expressed their congratulations as well as their pleasure at the well-earned recognition of Dr. Cook's services.

West Virginia Library Association Resolution. The President read a resolution passed by the West Virginia Library Association commending the Library Board of the Kanawha County Public Library for "its splendid effort" in securing the passage of its library bill. A copy of the resolution is attached to the minutes.

Salvation Army Request for Erecting a Christmas Tree on the Library Lawn. The President read a letter from the Salvation Army City Commander, William P. Dick, requesting permission to erect a Christmas tree on the Library lawn for their "Tree of Lights" Christmas program. Following discussion, it was regularly moved, seconded and passed that permission be granted.

Personnel and Salary Changes. The Director submitted a list of Personnel and Salary Changes which he stated are in accord with the salary scale. On motion duly made, seconded, and carried all changes were ratified, approved and confirmed; and the said list was ordered to be filed.

There being no further business, the meeting on motion adjourned.

Chairman

Secretary

WEST VIRGINIA LIBRARY ASSOCIATION

Whereas, The Kanawha County Public Library Board secured the passage of its special library bill at the 1957 session of the West Virginia Legislature; and

Whereas, This bill, while local in nature, has state-wide implications and is therefore of vital importance to other libraries, their librarians, trustees and friends; and

Whereas, It is the stated objective of the West Virginia Library Association to promote library service in West Virginia and the passage of this legislation represents a significant step in the promotion of good library service; therefore be it

Resolved, That the West Virginia Library Association, in convention assembled at Beckley, West Virginia, on the nineteenth day of October, 1957, does hereby commend the Library Board of the Kanawha County Public Library for its splendid effort in securing the passage of this bill.

MINUTES OF A MEETING OF THE

BOARD OF DIRECTORS

KANAWHA COUNTY PUBLIC LIBRARY

HELD ON

DECEMBER 11, 1957

The regular meeting of the Library Board of the Kanawha County Public Library was held on December 10, 1957, at 4:00 p.m. in the Board Room of the Library.

The following members were present:

Mr. Ray
Mrs. Anderson
Mrs. Brown
Mr. Chilton
Dr. Cook
Mr. Dickinson
Mr. Maurice
Colonel Phillips
Dr. Pianfetti

The President presided.

Miss Ammar acted as secretary in the absence of the Director and reported that a quorum was present.

The minutes of the November 5, 1957 meeting were approved.

Director's Monthly Report. The Acting Secretary read the Director's report on the activities of the Library for the month of November. It was ordered received and filed and the Acting Secretary was authorized to publish such parts of the report as she might deem desirable.

Reports of Committees

Special Committee on Finances. Mr. Ray reported that the Supreme Court

of West Virginia has issued a writ directed to the Kanawha County Court ordering it to appear on January 8, 1958, and show cause why it should not pay over tax revenues for the support of the Library in accordance with the Act passed by the 1957 Legislature. There was some discussion of the subject, but no action was taken.

Treasurer's Report. The Chairman asked the Acting Secretary for the Treasurer's report, which was then read. Colonel Phillips moved, Mrs. Brown seconded, that the report be accepted and filed, and the motion was carried.

Approval of Bills. The Acting Secretary submitted Book Bills List No. 6 and General Bills List No. 6, duly certified and approved in accordance with the By-Laws, and, on motion made by Dr. Cook, seconded by Mrs. Anderson and duly passed, it was ordered that the bills set out on the two lists be paid and that the said bills be transmitted for that purpose by the Acting Secretary to the Board of Education of the County of Kanawha.

Approval of Expenditures from Special Funds. The Acting Secretary submitted Special Funds Bills List No. 5, duly certified and approved in accordance with the By-Laws, and, on motion made by Dr. Cook, seconded by Mrs. Anderson and duly passed, it was ordered that the bills set out in the said list be paid.

NEW BUSINESS

Resolution on the Life and Service to the Library of Mr. Virgil L. Flinn. Upon motion by Mr. Dickinson, seconded by Mr. Chilton, the following resolution was adopted unanimously:

WHEREAS, In the death of Virgil L. Flinn who passed away in Charleston,

West Virginia, on November 5, 1957, the Library Board of the Kanawha County Public Library, the community of Kanawha County, and the State of West Virginia suffered the loss of a man respected for his counsels and personal qualities; and,

WHEREAS, The said Virgil L. Flinn always gave full support to the improvement of the Kanawha County Public Library, serving with ability and distinction as an active and valuable member of its governing body from 1937 to the time of his death. His knowledge and advice on library matters contributed immeasurably to the growth and development of this library; and,

WHEREAS, We, the Library Board, wish to express our sense of personal loss in the death of our fellow board member; therefore be it

RESOLVED, That it is with profound sorrow that we record the death of Virgil L. Flinn and that a copy of this resolution be transmitted to the family of Mr. Flinn that we may extend to them our expression of sincere sympathy and heartfelt condolence; and

RESOLVED FURTHER, That a copy of this resolution be spread upon the minutes of this meeting.

Personnel and Salary Changes. The Acting Secretary submitted a list of Personnel and Salary Changes which she stated are in accord with the salary scale. On motion duly made, seconded and carried all the changes set out on the said list were ratified, approved and confirmed; and the said list was ordered to be filed.

There being no further business, the meeting adjourned.

Chairman

Acting Secretary

MINUTES OF A MEETING OF THE

BOARD OF DIRECTORS

KANAWHA COUNTY PUBLIC LIBRARY

HELD ON

JANUARY 7, 1958

The regular meeting of the Library Board of the Kanawha County Public Library was held on January 7, 1958, at 4:00 p.m. in the Board Room of the library.

The following members were present:

Mr. Ray
Mrs. Anderson
Mrs. Brown
Mr. Chilton
Dr. Cook
Mr. Hanson
Mr. Lovenstein
Mr. Williamson

The President presided. The Secretary reported that a quorum was present.

The minutes of the meeting on December 11, 1957 were approved.

Director's Monthly Report. The Director read his report on the activities of the library for the month of December. At the conclusion of the report, some questions were asked. Following discussion the report was accepted and ordered filed and the Director was instructed to publish such parts of the report as he might deem desirable.

Reports of Committees. There were no committee reports.

Treasurer's Report. The Chairman asked the Director for the Treasurer's report which was then read. Dr. Cook moved, Mr. Chilton seconded, that the report be accepted and filed, and the motion was carried.

Approval of Bills. The Director submitted Book Bills List No. 7 and General Bills List No. 7 duly certified and approved in accordance with the By-Laws, and, on motion made by Dr. Cook, seconded by Mrs. Anderson and duly passed, it was ordered that the bills set out on the two lists be paid and that the said bills be transmitted for that purpose by the Director to the Board of Education of the County of Kanawha.

Approval of Expenditures from Special Funds. The Director submitted Special Funds Bills List No. 6, duly certified and approved in accordance with the By-Laws, and on motion by Dr. Cook, seconded by Mrs. Anderson and duly passed, it was ordered that the bills set out in the said list be paid.

NEW BUSINESS

Financial Report. The Director reported on the library's receipts and expenditures for the period July 1, 1957 - December 31, 1957.

Personnel and Salary Changes. The Director submitted a list of Personnel and Salary Changes which he stated are in accord with the salary scale. On motion duly made, seconded and carried all the changes set out on the said list were ratified, approved and confirmed and the said list was ordered filed.

There being no further business the meeting adjourned.

John W. Kay
President

Helen Hunnicutt
Secretary

MINUTES OF A MEETING OF THE

BOARD OF DIRECTORS

KANAWHA COUNTY PUBLIC LIBRARY

HELD ON

FEBRUARY 11, 1958

The regular meeting of the Library Board of the Kanawha County Public Library was held on February 11, 1958, at 4:00 p.m. in the Board Room of the library.

The following members were present:

Mr. Ray
Mrs. Brown
Mr. Chilton
Mr. Dickinson
Mr. Hanson
Mr. Lovenstein
Mr. Maurice
Mr. Williamson

The President presided. The Secretary reported that a quorum was present.

The minutes of the meeting on January 7, 1958, were approved.

Director's Monthly Report. The Director read his report for the month of January in which he reviewed the activities of the library. At the conclusion of the report, several questions were asked. Following discussion, the report was accepted and ordered filed and the Director was authorized to publish such parts of the report as he might deem desirable.

Reports of Committees. There were no committee reports.

Treasurer's Report. The Chairman asked the Director for the Treasurer's report which was then read. Mr. Hanson moved, Mr. Williamson seconded that the report be accepted and filed. The motion passed.

Approval of Bills. The Director submitted Book Bills List No. 8 and General Bills List No. 8 duly certified and approved in accordance with the By-Laws and, on motion made by Mr. Hanson, seconded by Mr. Williamson and duly passed, it was ordered that the bills set out on the two lists be paid and that the said bills be transmitted for that purpose by the Director to the Board of Education of the County of Kanawha.

Approval of Expenditures from Special Funds. The Director submitted Special Funds List No. 7, duly certified and approved in accordance with the By-Laws, and on motion by Mr. Hanson, seconded by Mr. Williamson and duly passed, it was ordered that the bills set out in the said list be paid.

NEW BUSINESS

Financial Report. The Director reported on the library's receipts, expenditures and balance for the period July 1, 1957 - January 31, 1958. Following discussion, Mr. Chilton moved, Mr. Dickinson seconding, that the Chairman, at his discretion, call a meeting of the Library Board in the event of an unfavorable Supreme Court decision to plan a course of action seeking financial assistance.

Acting Chief Circulation Librarian. The Director was authorized to designate Mrs. Margaret Hilliard as Acting Chief Circulation Librarian during the five week absence of Miss Juliette Bryson, and it was ordered that Mrs. Hilliard be compensated accordingly.

Personnel and Salary Changes. The Director submitted a list of Personnel and Salary Changes, which are in accord with the salary scale. On

motion duly made, seconded, and carried, all changes were ratified, approved and confirmed.

There being no further business, the meeting on motion adjourned.

President

Secretary

MINUTES OF A MEETING OF THE

BOARD OF DIRECTORS

KANAWHA COUNTY PUBLIC LIBRARY

HELD ON

MARCH 4, 1958

The regular meeting of the Library Board of the Kanawha County Public Library was held on March 4, 1958, at 4:00 p.m. in the Board Room of the library.

The following members were present:

Mr. Ray
Mrs. Brown
Mr. Chilton
Dr. Cook
Mr. Dickinson
Mr. Hanson
Mr. Lovenstein
Mr. Shonk

The President presided. The Secretary reported that a quorum was present.

The minutes of the February 11, 1958, meeting were approved.

Director's Monthly Report. The Director read his report on the activities of the library for the month of February. At the conclusion of the report some questions were asked. Following discussion the report was accepted and ordered filed and the Director was instructed to publish such parts of the report as he might deem desirable.

Reports of Committees. There were no committee reports.

Treasurer's Report. The Chairman asked the Director for the Treasurer's report which was then read. Mr. Chilton moved, Mr. Williamson seconded that

the report be accepted and filed. The motion passed.

Approval of Bills. The Director submitted Book Bills List No. 9 and General Bills List No. 9 duly certified and approved in accordance with the By-Laws and, on motion made by Mr. Chilton, seconded by Dr. Cook and dully passed, it was ordered that the bills set out on the two lists be paid and that the said bills be transmitted for that purpose by the Director to the Board of Education of the County of Kanawha.

Approval of Expenditures from Special Funds. The Director submitted Special Funds List No. 8, duly certified and approved in accordance with the By-Laws, and on motion by Mr. Chilton, seconded by Dr. Cook and duly passed, it was ordered that the bills set out in the said list be paid.

NEW BUSINESS

Financial Report. The Director reported on the library's receipts, expenditures and balance for the period July 1, 1957-February 28, 1958. After considerable discussion, the Chairman announced he would call for a meeting of the Special Committee on Finance, composed of Mr. Hanson, Chairman, Mr. Kleeman and Mr. Williamson if there was no decision by the Supreme Court by Tuesday, March 11.

Personnel and Salary Changes. The Director submitted a list of Personnel and Salary Changes, which are in accord with the salary scale. On motion duly made, seconded, and carried, all changes were ratified, approved and confirmed.

There being no further business, the meeting on motion adjourned.

President

Secretary

MINUTES OF A MEETING OF THE

BOARD OF DIRECTORS

KANAWHA COUNTY PUBLIC LIBRARY

HELD ON

APRIL 1, 1958

The regular meeting of the Library Board of the Kanawha County Public Library was held on April 1, 1958, at 4:00 p.m. in the Board Room of the library.

The following members were present:

Mr. Hanson
Mrs. Brown
Mr. Chilton
Dr. Cook
Mr. Maurice
Colonel Phillips
Dr. Riggleman
Mr. Shonk
Mr. Williamson

In the absence of the President, Mr. Hanson served as Chairman and called the meeting to order.

The Secretary reported that a quorum was present.

The minutes of the March 6, 1958, meeting were approved.

Director's Monthly Report. The Director read his report on the activities of the library for the month of March. At the conclusion of the report some questions were asked. Following discussion the report was accepted and ordered filed and the Director was instructed to publish such parts of the report as he might deem desirable.

Reports of Committees

Special Committee on Finances. Mr. Hanson reported for the committee and

stated that the Supreme Court of West Virginia handed down a decision on March 25, 1958, upholding the constitutionality of the Library Act directing the Kanawha County Court to turn over $83,800.00 it had collected for the support of the Kanawha County Public Library for the fiscal year ending June 30, 1958, as provided in Section 5 of Chapter 148 of the Acts of West Virginia Legislature, 1957. Copies of the Supreme Court decision were distributed to each Library Board member.

Upon motion made by Colonel Phillips, seconded by Dr. Riggleman, and duly passed, it was ordered that a copy of the Supreme Court decision be incorporated in the minutes of this meeting.

Mr. Shonk reported that the Kanawha County Court is prepared to pay one half, or approximately $40,000.00 of its total library expenditure of $83,800.00 immediately, the balance to be paid in May. Mr. Shonk added that the Charleston City Council will take formal action at its next meeting, April 7, 1958, to direct payment of $13,500.00 representing the remainder of the City of Charleston obligation for the fiscal year 1957/58.

Treasurer's Report. The Chairman asked the Director for the Treasurer's report which was then read. Dr. Cook moved, Colonel Phillips seconded that the report be accepted and filed. The motion passed.

Approval of Bills. The Director submitted Book Bills List No. 10 and General Bills List No. 10 duly certified and approved in accordance with the By-Laws and, on motion made by Dr. Cook, seconded by Colonel Phillips and duly passed, it was ordered that the bills set out on the two lists be paid and that the said bills be transmitted for that purpose by the Director to

the Board of Education of the County of Kanawha.

Approval of Expenditures from Special Funds. The Director submitted Special Funds List No. 9, duly certified and approved in accordance with the By-Laws, and on motion by Dr. Cook, seconded by Colonel Phillips and duly passed, it was ordered that the bills set out in the said list be paid.

NEW BUSINESS

Director and Staff of the Kanawha County Public Library. It was moved by Mr. Williamson, seconded by Dr. Riggleman and unanimously

RESOLVED, That the Library Board at this the first meeting since the Supreme Court Decision was rendered, does hereby go on record as expressing to the best of its ability its most sincere and grateful appreciation to each and every member of the Library's staff for the wonderful spirit of loyalty which has motivated each during these trying months, and which has kept each at his post of duty in spite of difficulties and discouragements and undoubtedly in spite of more attractive offers and opportunities in other cities.

RESOLVED FURTHER, It is the opinion of the Board and its individual members that we will never be able adequately to thank the members of our staff, who have done so much to make this an outstanding institution of which we are all so very proud, but we do here and now express our intention to strive for continued progress, to make the Kanawha County Public Library still greater in its service, in its resources, and to make it a pleasant and happy place to work.

Budget 1957/58. Capital Expense. There was considerable discussion embracing such topics as: Capital expense, elevator installation, present needs for repairs and maintenance to library building, and the possibility

of moving to other quarters or perhaps building a new structure. Dr. Riggleman moved, Colonel Phillips seconded, that the matter be referred to the Committee on Building and Grounds for study and that the committee be authorized to get expert advice. The motion passed.

Personnel and Salary Changes. The Director submitted a list of personnel and salary changes, which are in accord with the salary scale. On motion duly made, seconded, and carried, all the changes were ratified, approved, and confirmed.

There being no further business, the meeting on motion adjourned.

Vice-President

Secretary

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

KANAWHA COUNTY PUBLIC LIBRARY,
a corporation, Petitioner.

v.) In Mandamus.

THE COUNTY COURT OF KANAWHA COUNTY,
a corporation, Respondent.

PETITION.

TO THE HONORABLE, THE JUDGES OF THE SUPREME COURT OF APPEALS:

Your petitioner, the Kanawha County Public Library, respectfully represents that it is a corporation duly created, organized and existing under the laws of the State of West Virginia, and particularly under and by virtue of Chapter 178 of the Acts of the Legislature of 1957, passed on March 6, 1957, and effective in ninety days from passage; that said corporation consists of a board of eighteen directors appointed as set out in said Act.

Pursuant to the provisions of said Act, your petitioner acquired as of July 1, 1957, title to all the public library property theretofore operated by the Board of Education of said county, and has since operated, managed and controlled the said library in accordance with the provisions of said Act.

The library so operated was founded about the year 1908 by a group of citizens of the City of Charleston and supported entirely on a private and voluntary basis until the passage of Chapter 74 of the Acts of the Legislature of 1911, which contained a provision authorizing the Board of Education of Charleston Independent School District to lay a levy and appropriate money for the support of the library, which was by said act placed under the control of said board of education. Upon the passage of the county-unit school district law of 1933, the support and control of the library passed to the Board of Education of the County of Kanawha, which has since exercised such control and furnished its support, until the above mentioned Act of 1957 transferred the library and its property to the newly created corporation, the petitioner herein, and provided for its joint support by said board of education, the county court of Kanawha County, and the City of Charleston.

The inauguration of the county-unit system in 1933 necessitated the expansion of the library service to the entire county, now containing a population of 250,000 or more, rather than to the City of Charleston alone. The library owns the building in which it is housed, formerly the Capitol Annex belonging to the state government, and has installed, classified and indexed therein some 166,000 volumes. It has about 34,000 registered borrowers, and an annual book circulation of approxi-

mately 750,000. In addition to the lending from the library itself, regular supplies of books are furnished twice a year to more than 500 school rooms of the county, and a bookmobile is operated which visits about fifty scheduled points in the county the more densely populated being visited each two weeks. The library now employs twelve fully trained persons on its staff, and more than twenty other employees. Its annual budget for the year ending June 30, 1957 amounted to approximately $151,000, and your petitioner estimates that $207,000 will be needed to defray necessary expenses for the current year. Of the 1957 budget, the City of Charleston voluntarily contributed the sum of $25,000, and the remainder was furnished by the Board of Education of the County of Kanawha.

Because of the undue burden imposed upon said Board of Education in the operating of the library, and the necessity of using its operating revenues for salaries of teachers, maintenance of buildings and other ordinary expenses of the school system, petitioner avers that the Legislature at its 1957 session passed the said Act now known as Chapter 178 of the Acts of said session, by which the burden of support of the library was transferred in part to the County Court of Kanawha County and in part to the City of Charleston.

Pursuant to the provisions of the said Act your petitioner under date of July 15th and August 7th, 1957, in writing

requested the respondent, The County Court of Kanawha County, to lay a levy for the current fiscal year on each $100 of assessed valuation of property in said county, at the following rates:

.57 cents on class 1
1.14 cents on class 2
2.28 cents on class 3
2.28 cents on class 4

At the same time your petitioner requested the Board of Education of the County of Kanawha and the City of Charleston to each lay a levy for said year at the identical rate upon the property assessed within their respective jurisdictions, which levies, with other incidental income, would raise approximately the above sum of $207,000 for the support of said library. Your petitioner files herewith as part of this petition a true copy of the written requests made to respondent as aforesaid, marked for identification respectively, "Exhibit A" and "Exhibit B."

The said respondent, The County Court of Kanawha County, at its levy term in August, 1957, included an item in its estimate of expenditures for the current fiscal year as follows:

> "Contingent (Library Bill Contest) $83,800. For the Kanawha County Public Library as required by Special Act known as Chapter 178 of the Regular Legislative Session of 1957 if held constitutional by the Court, otherwise said appropriation to be for Assessor's mapping and reappraisal program, and resurfacing Kanawha Airport runways."

Pursuant to said estimate, said county court on August 20, 1957, duly and legally laid its levies for said fiscal year, including the above item of $83,800 among "current expenditures" and levying the following rates upon each $100 assessed value of the various classes of property within the county, calculated to produce the total estimated amount of $2,108,563 of taxes for all purposes, namely:

On Class I Property		
Current expenditures	13.47¢	
Airport bonds	.83	
Special levy	1.75	16.05¢
On Class II Property		
Current expenditures	26.94¢	
Airport bonds	1.66	
Special levy	3.50	32.10¢
On Class III and Class IV Property		
Current expenditures	53.88¢	
Airport bonds	3.32	
Special levy	7.00	64.20¢

Said levies were approved by the Tax Commissioner of West Virginia on September 18, 1957, and the same have been duly extended, tax tickets prepared, and the Sheriff of Kanawha County is now engaged in the collection thereof, and petitioner avers that said Sheriff will collect as the proceeds of said levy the said sum of approximately $83,800 for application to the current expenses of your petitioner in the operation of said Kanawha County Public Library. But your petitioner avers that said

respondent, The County Court of Kanawha County, has heretofore refused and still does refuse to appropriate any part of said funds arising from the said levy or to pay the same to the Board of Education of the County of Kanawha for the use and benefit of your petitioner as required by the provisions of said Chapter 178 of the Acts of 1957; and your petitioner is advised that said County Court as a reason for said refusal states that it is in doubt as to the validity of said Act. And petitioner avers that the respondent will continue to refuse to appropriate and pay said funds for the support of said library unless required to do so by the mandate of this court.

Your petitioner therefore respectfully prays that a writ of mandamus be awarded by this Court, directed to said respondent, The County Court of Kanawha County, commanding and requiring it to appropriate and pay over to the Board of Education of the County of Kanawha, for the support and use of your petitioner, the said sum of $83,800 so levied by the respondent as aforesaid, as and when the said amount shall be collected; and to lay a levy and make appropriation and payment for the same purpose in each succeeding fiscal year at the rates from time to time requested by petitioner, within the limits prescribed by said Chapter 178 of the Acts of 1957, so long as said act shall remain in effect; that a proper rule issue herein and hearing be had; and for such other, further and general releif as may be proper in the premises.

KANAWHA COUNTY PUBLIC LIBRARY

By_____
President.

_____
Counsel for Petitioner.

STATE OF WEST VIRGINIA,

County of Kanawha, TO-WIT:

John V. Ray, a credible person, being first duly sworn, upon oath says that he is president of Kanawha County Public Library, the corporation named as petitioner in the foregoing petition, and knows the contents thereof; that the facts and allegations therein contained are true, except so far as they are therein stated to be upon information and belief, and that so far as they are therein stated to be upon information he believes them to be true.

_____

Taken, subscribed and sworn to before me in my said county this _____ day of November, 1957.

_____
Notary Public for Kanawha
County, West Virginia

My commission expires

July 15, 1957

The County Court of Kanawha County
Kanawha County Courthouse
Charleston, West Virginia

Gentlemen:

At a meeting held on July 1, 1957, the Board of Directors of Kanawha County Public Library adopted the following resolution:

RESOLVED, That a copy, duly certified by the Director, of the budget of the Kanawha County Public Library for the fiscal year beginning July 1, 1957, which has been approved and adopted by the Library Board, be transmitted to the County Court of Kanawha County by a proper letter signed by the President; and,

RESOLVED FURTHER, That the President of the Kanawha County Public Library be authorized and directed, in the said letter transmitting the budget, to request the County Court of Kanawha County to lay a levy, in accordance with Section 5 of Chapter 148 of the Acts of West Virginia Legislature, 1957, which will produce 40% of the total amount required to furnish public library service, as shown in the said budget.

RESOLVED FURTHER, That the officers of the Library Board and the Director be authorized and directed to sign such other papers, and to perform such acts, as may be necessary to effect the proper laying of the said levy by the County Court of Kanawha County authorized by the said statute, in order to provide for the support, maintenance and operation of Kanawha County Public Library.

Pursuant to the said resolution, I deliver to you herewith

a certified copy of the Budget for Kanawha County Public Library for the fiscal year beginning July 1, 1957, which has been duly adopted by its Board of Directors.

As directed in the said resolution, I respectfully request, on behalf of Kanawha County Public Library, that the County Court of Kanawha County lay a levy, in accordance with Section 5 of Chapter 148 of the Acts of the West Virginia Legislature, 1957, which will produce $80,000.00, that amount being 40% of the total amount required to furnish public library service during the said fiscal year.

If any further information or any additional papers are needed by you in order to effect the proper laying of the said levy, I shall endeavor to furnish them promptly upon being advised thereof.

Hoping that with your assistance and cooperation we shall be able not only to continue to give the citizens of Kanawha County the good library service which they have enjoyed for many years, but to improve it, I am,

Sincerely yours,

(Sgd) JOHN V. RAY

President of Kanawha County
Public Library

August 7, 1957

The County Court of Kanawha County
Kanawha County Courthouse
Charleston, West Virginia

Gentlemen:

Supplementing my letter of July 15, 1957, about the levy for Kanawha County Public Library, it appears from the valuations certified by the Assessor of Kanawha County that the rate of levy required to raise the amount needed for the budget for Kanawha County Public Library for 1957 which will be as set out below.

In accordance with Section 5 of Chapter 148 of the Acts of West Virginia Legislature, 1957, Kanawha County Public Library requests that the County Court of Kanawha County lay a levy for the current year on each $100 of assessed valuation of property, at the following rates:

.57 cents on class 1
1.14 cents on class 2
2.28 cents on class 3
2.28 cents on class 4

The Board of Education of the County of Kanawha and the City of Charleston, by letter of even date, are being requested to lay a levy at the same rates; and, according to our calculations, the said levies will raise the following amounts, after allowance for discounts, delinquent taxes and exonerations:

City of Charleston	$33,510.00
County Court of Kanawha County	83,800.00
Board of Education of County of Kanawha	83,800.00
	$201,110.00

Sincerely yours,

(sgd) JOHN V. RAY

President of Kanawha County
Public Library

JVR:la

cc - Mr. John A. Field, Jr
State Tax Commissioner

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

STATE OF WEST VIRGINIA, ex rel
KANAWHA COUNTY PUBLIC LIBRARY, a corporation

Relator

vs. (Upon Petition for a Writ of Mandamus

THE COUNTY COURT OF KANAWHA COUNTY,
a corporation

Respondent

This is a demurrer of the respondent to the Petition.

The respondent says that the Petition is not sufficient in law for the following reasons:

1. The special act passed by the Legislature directing the County Court to levy out of its current income to provide for the operation and maintenance of a Public Library is void because it is in conflict with Article 7, Section 39 of the West Virginia State Constitution where the Legislature is prohibited from passing local laws "regulating or changing County or District affairs."

2. The act is void because the County Court is empowered under Article 8, Section 24, of the West Virginia State Constitution to perform ~~certain~~ "such other" duties, not as a judical nature and ~~to furnish certain services under such regulation~~ as may be prescribed by law, and the operation of a Public Library is not one of these duties or services.

3. The act is void because it simply requires the County Court to pay a levy, collect taxes and turn the same over to a Library Board created by the Board of Education of Kanawha County and completely under its supervision and control with reference to the spending of the funds and hiring of the employees.

4. The act is void because it takes from the County Court funds allocated to it for its mandatory purposes and delegates them to an Agency of the School Board for expenditure for purposes which the County Court is not required to provide by law.

5. The act is void because it takes money provided for local government services and uses it for a Public Library which is not a governmental service.

_____

By Counsel

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

KANAWHA COUNTY PUBLIC LIBRARY,
a corporation, Petitioner

v.) In Mandamus.

THE COUNTY COURT OF KANAWHA COUNTY,
a corporation, Respondent

ANSWER TO SAID PETITION.

TO THE HONORABLE, THE JUDGES OF THE SUPREME COURT OF APPEALS:

Your respondent, the Kanawha County Court, a corporation, in answer to said Petition or so much thereof as it is advised to answer, says as follows:

That it is true that the Kanawha County Public Library is a corporation created and existing under and by virtue of a special Act of the Legislature, which relates to Kanawha County alone of the Counties in the State of West Virginia, known as Chapter 178 of the Acts of the Legislature of 1957, passed on March 6, 1957, and effective ninety days from passage and that said corporation does consist of a Board of eighteen Directors appointed by the Board of Education of Kanawha County as provided by said Act.

That it is not true that pursuant to said Act the said Kanawha County Public Library acquired as of July 1, 1957 title to all the public library property theretofore operated by the Board of Education of said County, said property consisting of real estate of great value situated in the City of Charleston which will be herein as described because by virtue of the statutes of the State of West Virginia title to real estate can only be passed or conveyed by deed and so far as these respondents are advised no deed of conveyance has been executed passing title of this property to the Kanawha County Public Library, and respondents are relying on the Act itself to pass title.

Respondents say they are not advised as to when the Library was founded, but that it is true that under a Special Act of the Legislature passed in 1911 and described as Chapter 74 of the Acts of Legislature of 1911 an Independent School Board was set up and created for the City of Charleston for the purpose of operating the Schools of said City and that Section 6 of said Act provided as follows: "The Board of Education of said Independent District may annually levy a tax not to exceed two cents on the one hundred dollar valuation for the establishment, support, maintenance and increase of a Public Library which shall be under control of the said Board of Education."

And that as far as these respondents are advised, the Board of Education of Charleston Independent District laid said levy, maintained and operated said Library until the year 1933 when, by law, the Charleston Independent School District become a part of the County-Unit School District known as the Board of Education of Kanawha County and, as far as these respondents are advised, since that time the Board of Education of Kanawha County has levied funds for maintaining and operating said Library as a part of the School System in accordance with the authority given and as hereinbefore referred to.

And respondent further says that during the time of the operation of the Library by the School Board a great amount of funds were raised publicly to aid in the expansion and support of the Library, that a lot was purchased on Kanawha Boulevard which is worth probably $250,000 and placed in the name of Trustees of the Library as likewise was a piece of property known as the old Capitol Annex purchased from the State of West Virginia, and which was valued at not less than one-half million dollars, and that subsequent to these purchases and the raising of these funds in a Chancery Suit in the Circuit Court of Kanawha County, West Virginia, Styled John Laing, et al., Trustees, vs. Board of Education of the County of Kanawha, et al., In Chancery No. 14,605 a decree was entered on the 27th day of February, 1939 wherein the Court gave permission to John Laing, as surviving Trustee holding the property on Kanawha

Street, to convey said property to the Board of Education of Kanawha County subject to the express trust and condition that if the property is sold the proceeds of sale shall be used to discharge the then outstanding notes constituting a lien against the Capitol Annex property; the Order further providing that the Capitol Annex property, title to which was in the name of same Trustees, which for many years has been used as a Public Library supported by the Board of Education of the Charleston Independent School District and its Successors, the Board of Education of Kanawha County likewise be conveyed to the Board of Education. The decree likewise provided that the Trustees and the Members of the Public Library Commission convey and assign to the Board of Education of Kanawha County all their right, title and interest, legal or equitable, in and to all real and personal property, choses in action, balance in bank, and all assets of any kind, nature or description in the possession of, or under the control of said Library Commission and thereafter be permitted to resign their office, and the Board of Education in open Court accepted said deeds and assignments and accounts which were transferred as herein provided, together with all responsibilities that have heretofore been upon the Library Commission.

As to the allegation with reference to the expansion of the Library since that time this respondent is not advised and does not believe same pertinent to the issue in this case.

The Board of Education of Kanawha County on its own decision decided it would not continue to support the Library out of funds collected by it as it had in the past, it caused to be prepared and introduced the Act of the Legislature herein referred to and considered in this case for the sole purpose of avoiding the responsibility of providing the full cost of the maintenance of the Library which, according to its own statement, it or its predecessors have maintained since 1908, but that in setting up said Board to operate the Library it was careful to keep the choosing of the Members of the Board within its own breast and under its own control and providing for the supervision of the employees and their choosing to be made under its own rules and regulations by the Board which it created and it also retained to the said Board which it created the complete management of the affairs of the Library and the expenditure of the money planned to be collected by this Act.

In view of these facts this respondent feels that if the Court looks at substance rather than form, that it cannot help but find, and this respondent charges it to be a fact that the Board of Education of Kanawha County is the real Plaintiff in this action and the sole purpose for which the Act was passed and this suit brought was in order to make the County Court and the City of Charleston pay out of their funds to support an Institution controlled, managed and operated by the County Board of Education, and that in view of these circumstances the Act is not legal or valid and this Petition should be dismissed.

The Defendant therefore prays for the reasons herein assigned that the Writ be denied and this proceeding be dismissed.

COUNTY COURT OF KANAWHA COUNTY

By_____
President

_____
Counsel

STATE OF WEST VIRGINIA:

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 25th day of March, 1958, the following order was made and entered, to-wit:

State of West Virginia ex rel. Kanawha County
Public Library, a corporation, Relator

10941 vs.

The County Court of Kanawha County, a corporation, Respondent

The Court, having maturely considered the petition, the rule awarded thereon, the respondent's separate demurrer and answer to relator's petition, the affidavit of John V. Ray, President of the Kanawha County Public Library, and the argument and briefs of counsel thereon, is of opinion for reasons stated in writing and filed with the record that the relator is entitled to the writ of mandamus prayed for in its said petition.

It is therefore considered and ordered by the Court that a peremptory writ of mandamus do issue, directed to the respondent, The County Court of Kanawha County, a corporation, commanding it to appropriate and pay over to the Board of Education of Kanawha County, for the support and use of the relator, the sum of Eighty-Three Thousand and Eight Hundred ($83,800.00) Dollars, levied for the fiscal year 1957, as and when said amount is collected, and to lay a levy, make appropriation and payment for the same purpose annually in each succeeding fiscal year at the rates from time to time requested by relator, within the limits of and pursuant to Chapter 178, Acts of the Legislature, 1957, so long as said Acts

shall remain in effect, in accordance with the principles stated and directions given in the written opinion aforesaid and further according to law; and that the relator do recover of and from the respondent its costs in this Court in this behalf expended.

The syllabus of points adjudicated, prefixed to the written opinion prepared by Judge Browning, was concurred in by Judges Haymond, Riley, Given and Ducker.

The service of an attested copy of this order upon the respondent aforesaid, shall have the same effect as the service of a formal writ.

A true copy.

Attest: (Signed) KENNETH E. HINES,
Clerk Supreme Court of Appeals.

Legal service accepted this the 27th day of March, 1958.

(Signed) D. BOONE DAWSON
Attorney for County Court

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA.

KANAWHA COUNTY PUBLIC LIBRARY,
a corporation, Petitioner,

v.) In Mandamus. No. 10941.

THE COUNTY COURT OF KANAWHA COUNTY,
a corporation, Respondent.

BRIEF FOR PETITIONER.

This is a proceeding to require the County Court of Kanawha County to furnish a portion of the support of the Kanawha County Public Library as provided by Chapter 178 of the Acts of the Legislature of 1957.

The library has been in existence almost fifty years, during most of which time it has been supported and controlled by the public school authorities, first the Board of Education of Charleston Independent School District, later by the Kanawha County Board, after the initiation of the county-unit system in 1933. It owns the old capitol annex building, in which its books, equipment and offices are housed.

The petition shows in brief the growth of the library, the extent of its services, and the place which it occupies in the most populous county of the state. With 166,000 volumes it achieves an annual circulation of almost 750,000. It acts as a school library for the entire county by furnishing to each of

the more than 500 school rooms of the county several hundred volumes each school year. The annual expense of operating the library has now reached the sum of $200,000.

The burden of maintaining the library has in recent years become onerous to the school board and it has sought to obtain help. In 1956 the City of Charleston made a substantial contribution, but the County Court has declined or felt itself unable to do so.

The legislature of 1957 reached what was evidently intended as a solution of the problem by transferring the library - its property and operation - to a new board, appointed by the board of education for terms of from one to six years, constituting a body corporate, and providing for the joint support of the operation by levies of the Board of Education, the County Court, and the City of Charleston. The levies by each of the supporting authorities were to be at identical rates, not exceeding a stated maximum. Under this plan the taxpayers of the county would be subject to two equal levies, one by the county court and one by the school board, while the taxpayers of the City of Charleston would be subject to those two and one additional levy, making three in all. The city levy, however, would raise only approximately one-half as much revenue as each of the county-wide levies. The levying bodies were required to levy such amounts as might be requested by the library board, but within the maximum prescribed.

The respondent County Court, acting under Chapter 178, Acts of 1957, has laid a levy in the amount requested by the petitioner and is now collecting the taxes thereunder, but has declined to pay the same over to the Board of Education as provided in the act, for the support of the public library. Petitioner is advised that such refusal is based upon the alleged doubt on the part of the county court as to the validity of the act. The court has further attempted to provide in its levy estimate for the current year that in case the provision for the support of the library should be held invalid, the proceeds of the levy shall be devoted to revaluation expenses in the Assessor's office or to the repaving of runways at Kanawha Airport.

Our information is that the doubt of the County Court with respect to the validity of the act in question arises under Article VI, Section 39, of the Constitution of West Virginia, which, after prohibiting local or special laws in a number of specific instances, further provides:

> "And in no case shall a special act be passed, where a general law would be proper, and can be made applicable to the case * * *."

Does the 1957 act violate the above-quoted provision of the constitution? True, the act does not apply to all libraries nor to all localities in the State. It does not follow, however, that the legislation is "special" as that term is sometimes used to condemn statutes on constitutional grounds. To the contrary, the situation with which the legislature was

dealing was not adapted to a law applicable to all counties, nor would such a law have accomplished the purpose of the legislature.

Under the constitutional principle involved, the judicial question is not whether the statute should apply to all counties, but whether it applies alike to all persons and classes of persons similarly situated rather than to specific persons or to particular members of the same class; the question whether one county, Kanawha, rather than all counties should be dealt with, being a matter of legislative policy. Cooley's Constitutional Limitations, pages 258-259, citing numerous cases.

There is a general law, contained in Chapter 10, Article 1, of the Code providing for the maintenance of public libraries at the expense of county courts, boards of education and/or municipalities, but this statute is permissive only and authorizes any or all of the bodies named to contribute to the support of such libraries, as and when they may feel so inclined. Any library so supported would be so insecure that it could not long provide the desired service to the public. This proved true in the case of the Charleston library.

It sought aid from the legislature, and that body was evidently convinced that the need of a public library in Charleston and Kanawha County, of the character and grade of

service now furnished by the petitioner, was sufficient to justify its maintenance and support by public funds raised by taxation. The act of 1957 provided for such support.

It is our contention that this decision by the legislature was an eminently just and proper one. But if it was a matter of doubt, we submit that the Court will not substitute its judgment for that of the law-making body. Under earlier decisions, it was indicated that the judgment of the legislature in such instances was subject to no review. See, for instance, the following cases:

> "It is insisted that the act violates the constitutional inhibition upon the legislature to pass a special act 'where a general law would be proper and can be made applicable to the case.' But must not the legislature determine for itself, before passing the law, whether or not a general law can be made applicable to the case? We think clearly that the question is chiefly one of expediency, a matter for legislative, and not judicial, judgment. Whether or not a special act is proper, for the reason that a general law can not be made applicable to the case, often depends upon facts, circumstances and local conditions which do not appear on the face of the act; and to ascertain whether such facts and conditions exist, as will justify a special act, is a preliminary question for the legislature, and the passage of the special act must be taken as an expression of the legislative opinion that they do exist. The determination of such preliminary matters by the legislature is not reviewable by the courts; they are not judicial questions. Indianapolis v. Navin, 151 Ind. 139, 47 N. E. 535, 51 N. E. 80, 41 L. R. A. 337; 36 Cyc. 991. Article VI of the Constitution deals especially with matters concerning the rights, powers and duties of the legislative branch of the government; and section 39, qualifying in a manner, the legislative powers, must generally leave the matter of the propriety of a special act to the discretion of that body; and particularly must this be so with reference to such special acts as the one in question. We must, therefore, assume that the legislature ascertained such facts and conditions to exist in Nicholas county,

as justified the passage of the act. We have no power to review that finding. Lusher v. Scites, 4 W. Va. 11; Robey v. Shepperd, 42 W. Va. 286. The wisdom or propriety of passing a general law, providing for county high schools in all the counties of the state, in order that a county high school might be established, in pursuance thereof, to meet the needs of Nicholas county, thereby avoiding the necessity of passing the special act in question, was a matter wholly within the legislative discretion. 36 Cyc. 991. The general law now in existence has no provision for the establishment of county high schools, and the expediency of passing such a general law, when perhaps only a few counties of the state stand in need of such schools, is a question determinable alone by the legislature. 'The expediency or inexpediency of an act is a question for the legislature and not for the courts.' Slack v. Jacobs, 8 W. Va. 612."

Herold v. McQueen, 71 W. Va. 43, 47.

"It is urged that the appropriation to respondent is void because it is made by a special act, when it could have been provided for by general law * * * (citing Const. art. VI, sec. 39). We do not think it void for that reason. From 36 Cyc. 991 we quote: 'It is the general doctrine that the legislature is the sole judge whether a provision by a general law is possible under a provision in the constitution to the effect that no special law shall be enacted, in all cases where a general law can be made applicable.' See also, in support of the text, U. S. Bank v. Guthrie, 173 U. S. 528; Hager v. Children's Home Society, 110 Ky. 235."

Woodall v. Darst, 71 W. Va. 350, 360.

"Was there a necessity for the establishment of this county high school? The legislature has answered in the affirmative, and the courts cannot question the necessity, expediency or the wisdom of the coordinate branch of the government in its action. * * * That the legislature saw fit to pass a special act applicable to the conditions arising in Upshur county, and not a general act applying to all counties does not render it void for that reason under sec. 5 above set out."

Casto v. Upshur County High School Board, 94 W. Va. 513, 517-518.

It may be true that in a few more recent cases the Court has undertaken to look into the grounds upon which the legislature acted in passing a special act, but we believe it has not receded from the general principle that the primary responsibility of determining the necessity for a special act as compared with a general law is upon the legislature, and unless the court can find clearly upon the facts that a general law would have accomplished the legislatuve purpose as well, it will not hold a special act void. We find it expressed in the authorities that if any state of facts can be reasonably conceived which would sustain the special act, that state of facts at the time the law was enacted must be assumed. 17 Michie Jur., 258; Martin v. Commonwealth, 126 Va. 603, 102 S. E. 77, 724.

We submit, however, that the legislative judgment in this instance was clearly correct, and that no general law would have accomplished the legislative will or provided the library service deemed necessary in the capital city and most populous county of the state.

Few indeed have been the statutes declared invalid as violative of the provision in question, and then only in cases of the clearest violation of the constitutional principle. Dieringer v. Bachman, 131 W. Va. 562, may seem to be such a case, but upon examination it will be found that the act there complained of was held to violate section 39a of Article VI, a

recent amendment prohibiting the amendment of city charters by special act.

The case of Brozka v. County Court, 111 W. Va. 191, involved a charter of the City of Wellsburg purporting to exempt the taxpayers of that city from the payment of county road taxes, and the Court held this provision invalid as a clear attempt to do by special act what should have been done by general law or not at all. Groves v. County Court, 42 W. Va. 587, involved an act general in form but which could in fact apply only to Grant County, providing for the relocation of the county seat. The Court held this to be a special act, violative of the constitutional provision in question. These two may be the only instances where the Court has actually invalidated special acts on this ground.

On the contrary, in Meisel v. Airport Authority, 135 W. Va. 528, the Court upheld an act creating a corporation to establish and operate an airport in Wayne County. The act was admittedly a special one, but the Court in consideration of the facts could see that a general law would not meet the situation or accomplish the legislative purpose.

We call attention also to the case of State ex rel. Green v. Board of Education, 133 W. Va. 750, for the bearing it may have upon the questions here. That case involved a special act of the legislature directing the board of education of Braxton County to pay a specified sum to Green to compensate

him for personal injuries sustained as a result of the negligence of the board. The Court held the act to be valid and effective in so far as it established the moral obligation of the board to pay the claim and authorized it to do so. It also held that the situation was one in which the legislature could have provided for compensation by a general law, which would have rendered the special act invalid under the clause we have been discussing. The decision of the Court, however, was placed upon another provision of the same section which prohibits special acts "regulating or changing county or district affairs." (See page 754.)

It could hardly be denied that an act directing the payment of a specific claim arising out of tort would amount to a "regulation" of county affairs (though a dissenting opinion distinguishes the board of education from the county), and therefore the act in question in the Green case was probably invalid under two clauses of Art. VI, Sec. 39. There is certainly a difference between such an interference with local affairs (there being no general law imposing liability) and the establishment by special act of such an instrumentality of public service as a public library, an airport, or high schools, the latter two of which have been sustained.

The opinion in the Green case does not refer to Herold v. McQueen, cited, wherein the Court discusses the meaning of the clause relating to "relating or changing county or district affairs," as follows:

> "The act does not attempt to regulate or change the county and district affairs of Nicholas County. Such county and district affairs as the legislature is inhibited from regulating or changing by a local or special act, are still carried on in that county under the general laws applicable alike to all the counties and districts of the state. The act only creates a county high school, and provides for its support by a tax to be levied on the tax payers of the whole county; it does not work a change in, or operate as a regulation of, the general county and district affairs which already existed, but it is a creation of something in addition thereto."

And we submit that the distinction is narrow, in a constitutional sense, between authorizing payments out of a county treasury and directing such payments. Either may be said to border on the regulation of county affairs. Yet special acts are passed at every session authorizing the payment of claims by local bodies, and by the State itself, which are rarely questioned, and possibly never invalidated. While it is customary to draft such acts in permissive form, we believe a not inconsiderable number may be found which directly require payment. Instances would include Acts of 1933, 1st extra session, chapter 118, which requires the board of education of Ohio County to lay an annual levy for the support of the Wheeling Public Library, and to disburse the same on order of the board of trustees of the library; also Acts of 1953, chapter 200, requiring the board of education of Tyler County to pay into the library fund for the support of the Public Library of Tyler County certain amounts "not less than eighteen hundred dollars per annum."

To say that libraries may be established by either general or special acts, and their support authorized through tax levies by county courts, boards of education or municipalities, but that such support may not be required except by general law, would cripple if not destroy existing public libraries. They would then operate only upon sufferance from year to year, and no general statute could adequately meet the needs of each local situation. The situation in Kanawha County is unusual because of its size and population, and the value of the properties vested in the Library Board. What would be adequate in smaller counties might be wholly ineffective here, and what is necessary here is not needed at all in counties where no libraries exist. The needs of the various localities of state in this respect should be left to the legislature to work out as local conditions may dictate.

It should be remembered that county courts, boards of education, and municipalities are all instrumentalities of the state government, and as such are subject to the legislative power in all respects unless prohibited by the constitution. County courts, it is true, exercise certain constitutional functions, but Article VIII, Section 24, does specifically provide as to them:

> "Such courts may exercise such other powers, and perform such other duties, not of a judicial nature, as may be prescribed by law."

Upon the general proposition of special legislation the Supreme Court of the United States has taken the view that the question of whether a special act is necessary is one for the legislature. See, for example:

> "Whether a general law can be made applicable to the subject-matter in regard to which a special law is enacted by a territorial legislature, is a matter which we think rests in the judgment of the legislature itself. State v. Hitchcock, 1 Kan. 184, 81 Am. Dec. 503. That body is specially prohibited from passing any local or special law in regard to certain subjects enumerated in the act. Outside and beyond that limitation is the provision above mentioned, and whether or not a general law can be made applicable to the subject is a matter which is confided to the judgment of the legislature."
>
> Guthrie National Bank v. City of Guthrie, 173 U. S. 528, 43 L. Ed. 796.

> "The constitution does not prohibit special laws inflexibly and always. It permits them when there are special evils with which existing general laws are incompetent to cope. The special public purpose will then sustain the special form. Baltimore v. United R. & Electric Co., 126 Md. 39, 94 Atl. 378, supra. The problem in last analysis is one of legislative policy, with a wide margin of discretion conceded to the lawmakers. Only in cases of plain abuse will there be revision by the courts."
>
> Williams v. Baltimore, 289 U. S. 36, 77 L. Ed. 1015. (Cardozo, J., re Maryland constitution.)

In 59 C. J. "Statutes" sec. 313c, we find:

> "Many of the state constitutions provide that no special law may be enacted where a general law can be made applicable. As is elsewhere noted, except where expressly made a

judicial question by provision of the constitution the determination of whether a general law may be made applicable is, by the weight of authority, regarded as a legislative question with which the courts will not interfere."

The legislature has acted in this instance, in view of a special or regional situation, and has expressed its mandate in a statute certainly looking to the promotion of an intelligent citizenship. We submit that the duty of the county court is clear, and that it should be enforced by mandamus.

Respectfully submitted,

_____

Counsel for Petitioner.

Charleston, W. Va.
January 4, 1958.

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

KANAWHA COUNTY PUBLIC LIBRARY,
a corporation, Petitioner

v.) In Mandamus.

THE COUNTY COURT OF KANAWHA COUNTY
a corporation, Respondent

BRIEF OF RESPONDENT FILED WITH ANSWER AND DEMURRER BY THE DEFENDANT

TO THE HONORABLE, THE JUDGES OF THE SUPREME COURT OF APPEALS:

NATURE OF SUIT.

This is an action brought by the Library Board, created by a Special Act of Legislature known as Chapter 178 of Acts of Legislature of 1957, Praying for a rule to require the County Court of Kanawha County to lay a levy on each $100 of assessed valuation of property at .57 cents on Class 1, 1.14 cents on Class 2, 2.28 cents on Class 3 and 2.28 cents on Class 4 to provide funds to be placed by the Sheriff in a special account of the Board of Education for the operation and maintenance of a Public Library

FACTS.

The 1957 Legislature passed a Special Act, known as Chapter 178 of Acts of Legislature of 1957, authorizing the Board

of Education of Kanawha County to appoint a Board known as the Library Board to operate the Public Library. This Act provides that County Court shall furnish $83,000 of operating expenses, the Board of Education $83,000 and the City of Charleston $41,000 to operate the Library each year. There are twelve other municipalities in Kanawha County and none of these are required to levy any amount for the support of the Library. The County of Kanawha and the City of Charleston refused in their budgets this year to levy for the Library as required by this Act, taking the position that the Act was unconstitutional. The City was not made a party to this suit, why I do not know because in their budget they questioned the law in the same manner that the County has.

The facts which gave rise to this issue are as follows: The Legislature in 1911 by a Special Act, created what was then known as the Charleston Independent District School Board to operate the schools of the City of Charleston. The Act further provided that this Board was empowered to lay a special levy of 2¢ per $100 for the maintenance of a Library. Prior to that time some form of Library had been supported by public subscription. The Library was operated by this levy until 1933. Then when the County-Unit System was created, they took over and operated the Library until this time. There was no special levy for this purpose after 1933 because of the tax limitation amendment, but it was supported out of their general levy. Last year the School Board solicited the

County and City to contribute to the cost of operation of the Library. The County declined because all of the County's income was needed for County Government Projects. It was then they caused the Bill in question here to be introduced and passed by the Legislature and are bringing this action to compel the County Court to comply with this Special Act.

During the time the School Board operated the Library by a Court Action referred to in Respondents answer herein, the Board accepted two valuable pieces of real estate owned by Trustees who were holding it for Library purposes, also all the other assets held by said Trustees and agreed in open court to accept said deeds and perform the services for which themoney to purchase the property was located. This Bill attempts to pass title to the property to the Library Board, but out Statutes prohibit title to real estate to be passed except by deed of conveyance so that the real estate still belongs to the School Board and is worth more than a half million dollars.

ISSUES.

1. Does this Act of the Legislature violate Section 39 of Article 7 of the Constitution of the State of West Virginia wherein it is provided that the Legislature shall not pass local or special laws in any of the following enumerated cases; that is to say, for regulating or changing County or District affairs.

2. Does this Act of the Legislature violate Article 8, Section 24 of the Constitution of the State of West Virginia which provides generally for local government by the County Court and in regulation of fiscal affairs of the County by said Court.

3. This Act of the Legislature is void because it empowers the Board of Education to administer and control funds collected by the County Court and City of Charleston under their powers to lay levies as local governing bodies.

4. This Act of the Legislature is void because it requires the County Court and City of Charleston to mandatarly lay a levy and collect taxes from their limited income under the tax limitation amendment for the support of a Public Library, and a Public Library is not a function of government and the Legislature has no authority to require the County Court and the City of Charleston to take of their funds authorized by the Legislature for governmental purposes and use them for a non-governmental function.

ARGUMENT.

Does the Legislature by a Special Act have the authority to require the County Court to contribute to the operation of a Public Library?

Section 39 of Article 7 of our West Virginia Constitution limits the power of the Legislature by saying they shall not pass any local or special laws for regulating or changing County or District affairs. There can be no doubt that this is a local or special law because it applies only to Kanawha County, of the fifty-five Counties and only to Charleston of the thirteen Municipalities of the County.

The next question is, does it regulate County and District affairs? Since 1933, under our tax limitation amendment the Legislature has allocated to the County, City and School Board, a certain share of the levy allowed by said amendment, for the financing of their governmental requirements. It has fixed their income subject to increased assessments since that time. There has been great difficulty by most of them in operating since that time by reason of increase cost of services and materials. The Board of Education was provided by the Legislature, not only with the "lion's share" of the entire levy, but by State Aid now provided by law, they have the expenditure of more than half of all taxes collected from any source by the State or Counties.

But the effect of this Act is to require the County to take $83,000 from its funds, and the City of Charleston to take $41,000 and turn these amounts over to the Board of Education to help finance a project the Board has maintained since 1911. There is no method by which the County can increase their income to make up for this cost. They would have to reduce the cost of their other functions of government by this amount.

This section of the Constitution has been construed by this Court many times. In case against Board of Education of Braxton County, 58 S.E. (2d) 282 which was an Act ordering the School Board to pay a specified sum as damages to an employee, who had been injured because of their negligence, the Court said, "To permit this is a stepping stone to legislative direction of County fiscal affairs. They may be permitted to pay but not required." This case clearly sustains the theory that under our Constitution the County Court is empowered with a discretion of fiscal affairs that cannot be interfered with by a Special Act such as this.

This discretion was approved also in case of Staley in Wayne County Court 153 S.E. 589; likewise in case of Baiser in City of St. Albans 39 S.E. (2d) 145 where a Special Act of Legislature authorized the City to build a bridge and collect tolls to pay for it, the Act was held unconstitutional and a general Act had to be passed to validate the funds.

From the facts in this case and the construction placed on this article of the Constitution heretofore by this Court there can be no conclusion reached but thatthis Act violates this clause and is unconstitutional.

This Special Act is also void by reason of Section 8, Article 24 of the Constitution of West Virginia. This section defines the power, creates the powers and states the duties and responsibilities of the County Courts of this State. Nowhere in this section is there mention of a Public Library.

As shall be pointed out later, nowhere is there a statement in the law of this State that a Public Library is an essential or necessary function of government.

The enabling Act passed by the Legislature, known as 11-8-10 C Section 761 Code of 1949, provides the duties of the County Court with reference to its financial responsibilities and duties as a Court. It is plain from this Act and the Constitution that County Courts are responsible for local government. This Court in the past has said this so often that it seems unnecessary to cite authenticates.

It is true that the Courts have permitted interference in a few cases, such as the D.P.A. Act, but these Acts have always been statewide in their effect and equally applicable to every County of the State. In cases where their application has been to one County alone the Courts have set up a barrier which has been irresistible.

124 W.Va. 781

This is best explained in the case of County Court of Mercer County v. Alderson 22 S.E. (2d) 541 where the Court said "that under Article 8, Section 24, Constitution of West Virginia, County Courts have superintendence and administration of the internal police and fiscal affairs of their counties under such regulation as may be prescribed by law and the legislature, and by an Act in 1937, mirroring the power so vested in county courts under constitutional authority, imposes upon such tribunal the superintendence and general management of the fiscal affairs and business of the county. To the framers of the Constitution the provision therefor must have had peculiar and singular significance. They were concerned with the existence of local self-government. In county courts they must have seen a tribunal which embodies the means by which democratic processes through representation in government could be accomplished. Performance of the duties contemplated by the Constitution and empowered by legislative enactment necessarily involves the exercise of judgment and a discernment consonant with the needs and the will of the electorate residing within the boundaries of a county. Likewise, performance of duty is frequently, perhaps generally, circumscribed by the county's financial ability. The Court further said in this opinion that a statute such as Section 5 of the Public Welfare Law which selects one specific function of such government and determines the amount which county courts must expend upon that

one function, narrows the discretionary powers of such courts and where the controversy is whether the county court or the county public assistance council shall have the right to expend funds not needed for mandatory items of government, we must regard as pertinent the fact that the former is a tribunal whose statutes emantes from the Constitution, while the latter is a creature of legislative will. If the tax commissioner may demand that county courts restrict their discretionary spending so the requirements of such councils may be fully satisfied by such county tribunals, where are such restrictions to end, may not their requirements become so large that all disbursements of county funds shall become nugatory?"

It is plain from this opinion that the courts hesitate to validate a law that, such as this Act, interfers with the powers and discretion of a County Court on questions of local government even where the statute is statewide in its application and never interfere where it is local in its effect. This Act is purely local in its effect and simply takes from the County and delivers to the School Board $83,000, which cannot be replaced, to help the School Board carry out a function it has performed since 1911 without assistance from the Court. It certainly violates the intent and purposes of this section of the Constitution.

This Special Act is also void because it requires the County Court and City of Charleston to contribute money to a function and service of the School Board. Under the Act the School Board names the Library Board, all employees have benefits of School employment, and the funds are placed in a special School Board fund. This violates the Tax Limitation Amendment and the enabling Act passed under it that allocated separately to the School Board, County and City a certain levy rate for their governmental purposes. It was never intended that after this allocation was made that the Legislature by a Special Act applicable only to one County or City, could take from the share allocated to one and add to the allocation of another. This would destroy the effect of the allocation and tend to destroy the stabilization of local government, particularly with reference to public improvements. It is well known that in construction of public improvements funds must be issued over a period of years. If an Act such as this is valid, how could a County find sale for their Bonds, or how could the County maintain the essential and mandatory services of government.

Also, under this Act, the School Board keeps complete control of the operation of the Public Library. The County and City are compelled to contribute a fixed sum to its operation. They have no discretion or even a voice in its operation. For these reasons, the Act is void and unconstitutional.

A Public Library is not an essential service of government. By law, it is simply a place where books are collected and information may be obtained. A Public Library has never been held to be a mandatory service of government. A Legislature might have power to regulate mandatory services of government, but not of discretionary services such as this. Nowhere can there be found a case or an Act of the Legislature that says a Library must be maintained as an essential service of government. The Legislature can give discretionary power to operate a Library, but it cannot make it mandatory.

There has been a lot of publicity about the Library being closed if this Act is held invalid. The Library has been maintained by the School Board for about half a century. The tax structure of the various units of government has not been changed since 1933. During the past five years, by reason of increased assessments, the School Board's income has been increased about $1,000,000. The County's income has been increased about $250,000. There is no emergency or sudden loss of income by the School Board. The only reason for this Act, is a desire by the School Board to cause the County to assume $83,000 of its responsibilities. If they can do this, the next time the Legislature meets they may want to unload on the County one-half million of their responsibilities and local governments were never intended to be operated in this manner.

Hence the writ should be denied.

Respectfully submitted,

PQ

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA.

KANAWHA COUNTY PUBLIC LIBRARY,
a corporation, Petitioner,

v.) In Mandamus. No. 10941.

THE COUNTY COURT OF KANAWHA COUNTY,
a corporation, Respondent.

REPLY MEMORANDUM ON BEHALF OF PETITIONER,
KANAWHA COUNTY PUBLIC LIBRARY

I. Under the constitutional prohibition against enactment of a "special" act where "a general law would be proper" the validity of a statute does not rest upon the territorial scope of its application, but upon the facts, circumstances and conditions giving rise to its enactment.

Herold v. McQueen, 71 W. Va. 43, 75 S. E. 313;

Casto v. Upshur County High School Board, 94 W. Va. 513, 119 S. E. 470;

Ex Parte Settle, 114 Va. 715, 77 S. E. 496;

Cooley's Constitutional Limitations (8th ed.) pp. 258-260

In the Herold and Casto cases the statutes created county high schools, the first in Nicholas and the second in Upshur County; and in both cases the Court held that it must be assumed that the legislature ascertained the existence of

facts and conditions in those particular counties which justified legislative action directed to them alone.

> "Whether or not a special act is proper, for the reason that a general law can not be made applicable to the case, often depends upon facts, circumstances and local conditions which do not appear on the face of the act; and to ascertain whether such facts and conditions exist, as will justify a special act, is a preliminary question for the legislature, and the passage of the special act must be taken as an expression of the legislative opinion that they do exist."
>
> Herold v. McQueen, 71 W. Va. 43, 47

> "That the legislature saw fit to pass a special act applicable to the conditions arising in Upshur county, and not a general act applying to all counties, does not render it void for that reason under sec. 5 above set out. This question was raised and discussed in Herold v. McQueen, supra, and it was there held that the act was not violative of sec. 5, Art. 12, because it was special. Moreover, it will be observed that, while that act creating the Nicholas county high school was not to become effective until it had been adopted by a vote of the people, Judge Williams said in the opinion: 'The legislature could have established the high school without submitting the question to a vote of the people at all, and may have submitted it to a vote only for the reason that it thought it unwise to establish the school unless a majority of the voters of the whole county were in favor of it.'"
>
> Casto v. Upshur County High School Board, 94 W. Va. 513, 518

> "The fact that the act applies only to Fairfax County would not necessarily brand it as a special or local law."
>
> County Board of Supervisors v. American Trailer Co., 193 Va. 72, 68 S. E. (2d) 115

II. Even though the validity of a statute applicable to a particular county be considered to present a judicial issue under the Constitution, the statute will not be held invalid unless the legislature's disregard of the Constitution is "clear and palpable." In this view the necessity for and the reasonableness of such a statute are primarily questions for the legislature, and if any state of facts can be reasonably conceived which would support the statute its validity will be sustained.

Truax-Traer Coal Co. v. Comp. Com'r., 123 W. Va. 621

Bray v. County Board, 195 Va. 31, 77 S. E. (2d) 479

City of Newport News v. Elizabeth City, 189 Va. 825, 55 S. E. (2d) 56

"The Constitution does not prohibit special laws inflexibly and always. It permits them when there are special evils with which existing laws are incompetent to cope. The special public purpose will then sustain the special form. * * * The problem in last analysis is one of legislative policy, with a wide margin of discretion conceded to the lawmakers. Only in cases of plain abuse will there be revision by the courts."

Cardozo, Judge, in Williams v. Baltimore, 289 U. S. 36, 77 L. ed. 1015

The Kansas Constitution provides specifically that the question whether a special law is proper shall be "determined by the courts of the State." Even there the Supreme Court of the State holds:

> "If a local situation exists which properly calls for legislative attention and the particular facts make a general law inapplicable, there is no reason why it should not be openly and frankly presented as such, and there is nothing in the Constitution which would invalidate it simply because it is special in character."
>
> Justice Hoch in Higgins v. Board of Commissioners, 153 Kansas 280, 112 P. (2d) 128

III. The statute in question does not violate Section 39, Article VI of the Constitution prohibiting local or special laws "regulating or changing county or district affairs."

The authoritative explanation of the subject matter of this prohibition appears in the opinion of this Court in Herold v. McQueen, 71 W. Va. 43. By Act of 1911 the Legislature provided for the establishment of a Nicholas County High School to serve the whole County.

In attacking the validity of the legislation, certain taxpayers contended, inter alia, that it attempted to regulate or change the county and district affairs.

Rejecting this contention, the Court said:

> "The act does not attempt to regulate or change the county and district affairs of Nicholas county. Such county and district affairs as the legislature is inhibited from regulating or changing by a local or special act, are still carried on in that county under the general laws applicable alike to all the counties and districts of the state. The act only creates a county high school, and provides for its support by a tax to be levied on the tax payers of the whole county; it does not work a change in, or operate as a regulation of, the general county and district affairs which already existed, but it is a creation of something in addition thereto. It makes no change in the plan provided by general law for the creation of district high schools; and, under the general law, any two or more districts of Nicholas county may still combine and establish district high schools."

It is apparent that the Court interprets the expression changing or regulating "county and district affairs" to mean a legislative attempt in a particular case to alter or intervene in the management or operation of an existing county or district agency.

Within this concept, the legislature did not violate the Constitution by establishing a new creation, a county high school, and providing for its operation.

Conversely, in Green v. Board of Education, 133 W. Va. 750, the legislature by special act directed the Board of Education of Braxton County to pay a specified sum to compensate Green for personal injuries caused by the negligence of the board. Clearly this was an attempt by particular legislation to regulate a detail of the fiscal operations of the board, and the Court so held.

If such a statute were to be held valid, by like token the legislature could fix the amounts which a board of education or county court could pay for other special claims, clearly the type of regulation which the Constitution forbids.

By like reasoning this Court held invalid as a "special" or "local" law a statute providing for the construction of a particular county road by the County Court of Wayne County. Staley v. Wayne County Court, 109 W. Va. 251.

Where, on the contrary, the legislature determines upon the establishment of a county high school, an airport authority or, as it has determined in the case of Kanawha, Ohio and Tyler Counties, to establish county libraries and provide for their sustenance, there is no change or regulation of existing prerogatives of a county court or board of education to run the affairs legally committed to them.

IV. The Act does not require the performance of duties by the County Court which it is not empowered to perform under Section 24 of Article VIII of the Constitution.

Respondent, by point 2 of its demurrer and otherwise, contends that the Act requires it to perform duties which are not included in its powers as enumerated in Section 24 of Article VIII of the Constitution.

The argument overlooks the fact that in addition to the powers specifically enumerated in the section it

> "may exercise such other powers, and perform such other duties, not of a judicial nature, as may be prescribed by law."

It is specifically under this authority that this Court has sustained legislation empowering the County Court of Kanawha County within specified limits to incorporate municipalities. Wiseman v. County Court, 134 W. Va. 303.

The duty to contribute to the support of the petitioner is in no sense "of a judicial nature," and it is prescribed by law, propositions which appear to be dispositive of this point of the demurrer.

V. Point 3 of the demurrer asserts that the Act is invalid for the reason that it requires the County Court to collect taxes and turn the same over to an agency under the control of the Board of Education.

Counsel for the County Court cite no authority to support this contention, and petitioner knows of none which can be cited.

The functions prescribed by the Act are well within "such other duties, not of a judicial nature, as may be prescribed by law." (Const., Art. VIII, Sec. 24.)

Moreover, statutes requiring county courts and municipalities to contribute to the support of public corporations and public agencies not controlled by them have frequently been approved by this Court.

Meisel v. Airport Authority, 135 W. Va. 528
Kenny v. Webster County Court, 124 W. Va. 519
State Road Commission v. County Court, 112 W. Va. 98

The Kenny case above cited is illuminative of the broad scope of the legislative power to require county courts to carry into effect legitimate governmental objectives, including the power to require county courts to contribute to such objectives, the sole limitation being that such requirements may not interfere with the payment of "mandatory expenses necessary to the preservation of local government in the counties."

The veiled intimation in respondent's brief that the contribution in issue interferes with such mandatory requirements in this case is without any factual basis.

The estimates of county tax receipts for the fiscal year, approved by the Tax Commissioner, total $2,108,563, and there is not the slightest ground for the insinuation that the $83,800 required for the library will impair the county's ability to meet its "mandatory requirements." To the contrary, the declared intent of the Court is to spend the library funds for runways at the Kanawha County Airport, manifestly neither a constitutional requirement or one necessary to preserve "local government" in the county.

VI. The establishment and support of the library is a proper governmental function for which the legislature has full authority to require contribution by the Court.

It is far too late to argue that libraries are mere warehouses for the "storage of books." To the contrary, it has long been recognized that a library is a proper concern of the public and may properly be supported by public funds. 51 Am. Jur., p. 399, "Taxation," Sec. 356; Jamison v. City of Charlotte, 239 N. C. 682, 80 S. E. (2d) 904.

It is also far too late for a county court to attempt to substitute its judgment for that of the legislature as to whether, or to what extent, it shall contribute to the support of such a public purpose.

Syl. 2. "The general powers of the Legislature are almost plenary. It can legislate on every subject not interdicted by the constitution itself."

* * * * *

Hatcher, Judge:

> "The relation which counties bear to the state must not be overlooked. The state is the sovereign, and counties are mere territorial subdivisions for purposes of convenience. Whatever of power is had by county courts was delegated by the state. It is familiar law that this power may be supervised by the legislature in the interest of public exigencies."
>
> State Road Commission v. County Court, 112, W. Va. 98

For the reasons cited in its original brief and in the light of the authorities cited herein, petitioner respectfully asks that the writ of mandamus be awarded as prayed for in the petition herein filed.

_____

Counsel for Petitioner

Charleston, W. Va.

January 8, 1958

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

KANAWHA COUNTY PUBLIC LIBRARY,
a corporation, Petitioner

v.) In Mandamus.

THE COUNTY COURT OF KANAWHA COUNTY,
a corporation, Respondent

RESPONDENTS REPLY BRIEF

TO THE HONORABLE, THE JUDGES OF THE SUPREME COURT OF APPEALS:

The Petitioners in their Brief, discuss this matter in a very plausible manner, but they fail to mention the Constitutional Provisions, which apply to this case and none of the cases cited by them involve these Provisions.

The case of Caste v. Upshur County School Board, simply provided a special levy for maintenance of a County High School. It makes no attempt to take money from the County's income for this purpose. This is also true in case of Herold v. Nicholas County Court and Meisel v. Tri State Authority. In none of these cases is the revenues allocated for County purposes interfered with in any way. The Constitutional question involved in this case was not an issue in them and was not even discussed.

I would also call the Court's attention to the fact that Green v. Braxton County Court was held invalid under the very Constitutional question involved in this case.

The Petitioners make much also about the Court not substituting its authority for the Will of the Legislature. This may be a sound proposition of government, but there is another proposition sounder, and that is that the Legislature must submit to the rules and restrictions of our Constitutions. The Constitution would mean nothing if our Courts did not require the Legislature to operate within its requirements. Our form of government would have ended up in confusion and bankruptcy many years ago if our Courts had not required our law-making bodies respect and obey the mandates of our Constitution.

The Court is the only protection the people have, when the Legislature violates the provisions of the Constitution. Without this protection, local government could not be maintained.

Petitioners say in their Brief, the distinction in a Constitutional sense is narrow, between authorizing and directing such payments. The difference is <u>discretion</u>. If the Act is discretionary it does not interfer with the fiscal affairs of a locality, because they have the choice as to whether or not they will comply with the Act. However, when the Act is mandatory, there is no choice and it does interfere. This is the real test as to whether an Act is Constitutional or not. This distinction may be narrow to Petitioner, but to me when I consider its legal effect, I know no distinction that is wider or more apparent.

No. 10941

KANAWHA COUNTY PUBLIC LIBRARY

v.

THE COUNTY COURT OF KANAWHA COUNTY

FILED
MAR 25 1959

In Mandamus. Writ awarded.

Browning, Judge.

Chapter 178, Acts of the Legislature, Regular Session, 1957, establishing the "Kanawha County Public Library" and requiring the County Court of Kanawha County to contribute to the support thereof, is not invalid as in contravention of the provisions of Section 39, Article VI, or Section 24, Article VIII of the Constitution of this State.

Browning, Judge:

Petitioner, Kanawha County Public Library, a corporation, seeks a writ of mandamus requiring respondent, the County Court of Kanawha County, to appropriate and pay over to the Board of Education of the County of Kanawha, for the support and use of petitioner, the sum of $83,800.00 as and when such amount shall be collected, and to lay a levy and make appropriation and payment for the same purpose in each succeeding fiscal year at the rates from time to time requested by petitioner.

Petitioner alleges its creation by Chapter 178, Acts of the Legislature, Regular Session, 1937, which provides:

> Section 1: "There is hereby created a public library, which shall be known as the 'Kanawha County Public Library', which shall be supported by the board of education of the county of Kanawha, the county court of Kanawha County and the city of Charleston, as a joint endeavor of the three governing authorities in the manner hereafter prescribed."
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> Section 2: "There shall be a board of eighteen directors * * * /All appointed by Board of Education and removable by it./ * * *. The board of directors shall have all the powers necessary, convenient and advisable for the proper operation, equipment and management of the said library; * * *."
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> Section 3: (Library Board to be a Corporation.)
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> Section 4: (Title to property now devoted to library purposes vested in Kanawha County Public Library.)
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> Section 5: "In order to provide for the support, maintenance and operation of

the public library hereby created, and any and all branches thereof, the supporting governing authorities shall, upon written request by its board of directors, levy annually as follows within the respective taxing districts of the governing authorities * * * amounts not exceeding * * *. Each year the board of directors shall request each of the three governing authorities to levy the same amount.* * *"

Section 6: "All money collected or appropriated by the three governing authorities for library purposes shall be deposited in a special account of the board of education of the county of Kanawha, and shall be disbursed by it, as directed by the board of directors * * *."

Section 7: (All employees of the public library deemed employees of board of education for certain purposes.)

Section 8: (Effect of future amendment of general laws.)

Section 9: (Severability provision.)

Petitioner then alleges that: Pursuant to the provisions of the above statute, it requested respondent, as well as the Board of Education of the County of Kanawha and the City of Charleston, to lay a levy for the current fiscal year within the maximum permitted; respondent included such item in its estimate, conditioned upon the above statute being held constitutional, otherwise the amount to be appropriated for other purposes, and duly and legally laid its levies, which the Sheriff of Kanawha County is now engaged in collecting.

Petitioner then avers that respondent has heretofore refused and still refuses to appropriate any part of the

funds arising from the levy, or to pay the same to the Board of Education of the County of Kanawha for the use and benefit of petitioner as required by the statute and will continue to do so unless required by mandate of this Court, and prays for a writ of mandamus as hereinabove stated.

Pursuant to a rule to show cause why the writ of mandamus as prayed for should not be awarded against it, respondent appeared and demurred on the grounds that: (1) Chapter 178 is unconstitutional because in conflict with the provisions of Article VI, Section 39 of the West Virginia Constitution; (2) Chapter 178 is void because in conflict with Article VIII, Section 24, of the West Virginia Constitution; (3) Because it requires the county court to lay a levy, collect taxes and turn the same over to a library board created by the board of education, and completely under its supervision and control; (4) Because it takes from the county court funds allocated to it for its mandatory purposes and delegates them to an agency of the school board for expenditures for purposes for which the county court is not required to provide by law; and (5) Because it takes money provided for local government services and uses it for non-government service, to wit: a public library.

The respondent also answered, admitting the truth of the allegations of the petition of which it had knowledge, but further charging that the Board of Education of the County of Kanawha is the real plaintiff in this action, and that the sole purpose for which the act was passed was to compel respondent and the City of Charleston to pay out of their own funds to

support an institution controlled, managed and operated by the board of education.

The constitutional provisions with which the act is alleged to conflict are as follows:

> Article VI, Section 39: "The Legislature shall not pass local or special laws in any of the following enumerated cases; that is to say, for
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> "Granting divorces;
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> "Laying out, opening, altering and working roads or highways;
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> "Vacating roads, town plats, streets, alleys and public grounds;
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> "Locating, or changing county seats;
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> "Regulating or changing county or district affairs;
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> "Providing for the sale of church property, or property held for charitable uses;
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> "Regulating the practice in courts of justice;
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> "Incorporating cities, towns or villages, or amending the charter of any city, town or village, containing a population of less than two thousand;
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> "Summoning or impaneling grand or petit juries;
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> "The opening or conducting of any election, or designating the place of voting;
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> "The sale and mortgage of real estate belonging to minors, or others under disability;
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> "Chartering, licensing, or establishing ferries or toll bridges;
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> "Remitting fines, penalties or forfeitures;
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> "Changing the law of descent;
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> "Regulating the rate of interest;
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> "Authorizing deeds to be made for and sold for taxes;
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> "Releasing taxes;
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> "Releasing title to forfeited lands."
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> "The Legislature shall provide, by general laws for the foregoing and all other cases for which provision can be so made; and in no case shall a special act be passed, where a general law would be proper, and can be made applicable to the case, nor in any other case in which the courts have jurisdiction, and are competent to give the relief asked for."

Article VIII, Section 24: "The county courts, through their clerks, shall have the custody of all deeds and other papers presented for record in their counties, and the same shall be preserved therein, or otherwise disposed of, as now is, or may be prescribed by law. They shall have jurisdiction in all matters of probate, the appointment and qualification of personal representatives, guardians, committees, curators, and the settlement of their accounts, and in all matters relating to apprentices. They shall also, under such regulations as may be prescribed by law, have the superintendence and administration of the internal police and fiscal affairs of their counties, including the establishment and regulation of roads, ways, bridges, public landings, ferries and mills, with authority to lay and disburse the county levies. * * *. They shall, in all cases of contest, judge of the election, qualification and returns of their own members, and of all county and district officers, subject to such regulations, by appeal or otherwise, as may be prescribed by law. Such courts may exercise such other powers, and perform such other duties, not of a judicial nature, as may be prescribed by law. * * *." (Italics supplied.)

That this legislation is local in its nature cannot be challenged. Its provisions are applicable to one institution, a public library located in the City of Charleston, Kanawha County. That alone is not sufficient to make it invalid. This Court cannot concern itself with the wisdom of this legislation, but only with the question of whether the legislature had

the authority under the Constitution of this State to pass such an act. Section 2 of Article III of the Constitution of this State provides that: "All power is vested in, and consequently derived from, the people. Magistrates are their trustees and servants, and at all times amenable to them." Since Ex Parte Stratton, 1 W. Va. 304, the position that this section vests in the Legislature of this State almost plenary powers on every subject, not foreclosed by some other provision of the Constitution, has not been questioned. The powers of the Legislature of this State are not to be confused with those of the Congress of the United States. The Federal Constitution is a grant of power, while the Constitution of this State is a restriction of power. While we look to the Federal Constitution to see what Congress may do, we look to our Constitution to see what the Legislature may not do. In 1 Cooley's Constitutional Limitations, 8th Edition, Page 346, is this statement: "* * * The judiciary can only arrest the execution of a statute when it conflicts with the Constitution. It cannot run a race of opinions upon points of right, reason, and expediency with the law-making power; * * *." Although no such power is expressly granted by either the Federal or the West Virginia Constitution, the principle was long ago established that the determination of whether a legislative act was in conflict with a constitutional provision was a question to be determined by the judicial branch of the government. Marbury v. Madison, 5 Cranch 49, 2 L. Ed. 60. But it has often been said that an Act of the Legislature is not to be declared void unless the violation of the Constitution is so manifest as to leave no room for reasonable doubt. It is upon

these fundamental and basic principles that this Court has carefully and cautiously weighed the issues presented in this proceeding.

Although the Legislature of this State has enacted into law hundreds of local and special acts, comparatively few of either type have been tested in this Court as to their constitutionality. Section 39 of Article VI of the Constitution of this State does not close the door on such acts, but merely provides that in eighteen designated areas no "local or special laws" shall be passed, and then provides that in no other case "shall a special act be passed, where a general law would be proper, and can be made applicable to the case, * * *." Certainly it could not be seriously contended that a general law would be proper to attain the results sought by the Legislature in requiring the respondent, the Board of Education and the City of Charleston to make certain contributions for the support of a public library which has been in existence for more than fifty years. In many of the counties, there is no public library.

Article 1 of Chapter 10 of the Code, several sections of which have been amended since 1931, provides for the establishment and maintenance of public libraries, including a provision for the establishment of a State Library Commission consisting of five members to be appointed by the Governor to assist in the organization and maintenance of such libraries. A public library is therein defined as a "* * * library maintained wholly or in part by any governing authority from funds derived by taxation and the services of which are free to the public.* * *" This further definition appears in Section 1:

"* * * The term 'governing authority' shall be construed to mean county court, county board of education or the governing body of any municipality." While this article authorizes county courts, boards of education and municipalities "to establish, equip and maintain a public library, or to take over, maintain or support any public library already established", such authority therein is permissive only. However, it is interesting to observe that two local acts have been passed by the Legislature requiring an annual levy for the support of a public library. Chapter 110, Acts of the Legislature, 1st Extraordinary Session, 1933, required the Board of Education of Ohio County to lay an annual levy for the Wheeling Public Library. Likewise, Chapter 200, Acts of the Legislature, Regular Session, 1933, required the Board of Education of Tyler County to pay into the library fund for the support of the public library of Tyler County certain amounts and "not less than $1,800.00 per annum." Neither of these acts was tested in this Court concerning its constitutionality.

The validity of an Act of the Legislature of 1895, relating to the relocation of the seat of government of the County of Grant was passed upon by this Court in Groves, et al. v. County Court of Grant County, 42 W. Va. 507, 26 S. E. 460. That act provided that a majority of the votes cast should be sufficient to relocate the county seat in all counties "where the county seat of any county has been relocated, etc., since the first day of January, 1872." Only the county seat of Grant County had been relocated between 1872 and 1895. In holding that this was a "special" rather than a general act, this Court said: "* * * so that in meaning, purpose, and effect it is a law not in

the slightest degree more general, or in a less degree peculiarly and distinctively descriptive of Grant County, than if it had spoken directly out and said: 'But in the case of Grant county a majority of the votes cast shall be sufficient to relocate the county seat.' This is classification run mad. Why not say all counties of the state named 'Grant'? * * *." This act was a clear violation of the express provision prohibiting a special act "locating, or changing county seats".

The controlling issue in this proceeding is whether the act under consideration regulates or changes the affairs of Kanawha County. The other two units of local government affected by the act are not parties to this litigation.

By an Act of the Legislature, Chapter 26, Acts of 1911, a county high school was created in Nicholas County to be located in or near the Town of Summerville, and the cost of the erection and maintenance of the school was to be provided for by taxes to be levied by "the board of directors of said school" upon all the taxable property in that county. The act was attacked by forty taxpayers of Nicholas County in Herold, et al. v. McQueen, Sheriff, et al., 71 W. Va. 43, 75 S. E. 313, and this Court held the act valid and not violative of Section 39 of Article VI of the Constitution, and in particular that provision thereof as to "regulating or changing county or district affairs." In the opinion, the Court said: "The act does not attempt to regulate or change the county and district affairs of Nicholas County. Such county and district affairs as the legislature is inhibited from regulating or changing by a local or special act, are still carried on in that county under the general laws

applicable alike to all counties and districts of the state. The act only creates a county high school, and provides for its support by a tax to be levied on the tax payers of the whole county; it does not work a change in, or operate as a regulation of, the general county and district affairs which already existed, but it is a creation of something in addition thereto. * * *", thus summarily dismissing the contention that the act violated any of the specific inhibitions of Article VI, Section 39 of the State Constitution. The Court proceeded to discuss the question of whether the act was invalid, under the general prohibition that no special act should be passed where a general law would be proper and could be made applicable to the case, and stated: "* * * But must not the legislature determine for itself, before passing the law, whether or not a general law can be made applicable to the case? We think clearly that the question is chiefly one of expediency, a matter for the legislative, and not judicial, judgment. * * *. The determination of such preliminary matters by the legislature is not reviewable by the courts; they are not judicial questions.* * *"

This Court also upheld as valid an Act of the Legislature of 1923, providing for the establishment of a county high school in the County of Upshur, and providing for "a special levy and board of trustees for the same" in Casto et al. v. Upshur County High School Board, 94 W. Va. 513, 119 S. E. 470. The pertinent holding in Herold v. McQueen, supra, was approved in this language: "* * * This question was raised and discussed in Herold v. McQueen, supra, and it was there held that the act was not violative of sec. 5, Art. 12, nor Section 39, Article VI because it was special.

Moreover, it will be observed that, while that act creating the Nicholas county high school was not to become effective until it had been adopted by a vote of the people, Judge Williams said in the opinion: 'The legislature could have established the high school without submitting the question to a vote of the people at all, and may have submitted it to a vote only for the reason that it thought it unwise to establish the school unless a majority of the voters of the whole county were in favor of it.'"

In the same year that the Harold case was decided, this Court upheld in Woodall v. Darst, Auditor, 71 W. Va. 350, 80 S. E. 367, the validity of an Act of the Legislature appropriating money for compensation to an injured member of the national guard while on duty in that capacity. The 6th and 7th Syllabus points read respectively as follows: "Whether an appropriation is for a public, or a private, purpose is a judicial question; but if it does not clearly appear from the act of appropriation that it is for a purely private purpose, the court can not so decide. If any doubt exists as to whether it is for a public or private purpose, the court must uphold the legislative act." "A fact once determined by the Legislature, and made the basis of an act, is not thereafter open to judicial investigation." In the opinion, the Court said: "The right of the courts to inquire into an appropriation of the public funds, to determine whether it is for a public or a private purpose, is recognized. Such a question presents a fact to be determined, and is, therefore, a matter proper for judicial ascertainment. But judicial inquiry can extend no

further than is necessary to determine the fact. * * *"

Then in Drazin et al. v. County Court of Brooke County, 111 W. Va. 191, 160 S. E. 914, without reference to the doctrine laid down in the Herald and Casto cases, and quoting from the opinion in the Woodall case, the Court struck down as unconstitutional an Act of the Legislature purporting to relieve the taxpayers of the City of Wellsburg from the payment of county road taxes on all taxable property within the municipality.

In Truax-Traer Coal Company v. Compensation Commissioner, et al., 123 W. Va. 621, 17 S. E. 2d. 330, it was held that six of the Acts of the Legislature of 1941, directing the State Compensation Commissioner to reopen and rehear the complaints of six persons whose claims had been barred from further consideration by the general statute of limitations/as were invalid being in contravention of Section 39 of Article VI of the Constitution of this State. In the opinion, the Court said: "Section 39 of Article VI of the Constitution of West Virginia provides that '* * * in no case shall a special act be passed, where a general law would be proper, and can be made applicable to the case, * * *.' A provision substantially equivalent to this section is found in the constitution of a number of other states, and has by the weight of authority been held to make the judgment of the legislature on the propriety and applicability of a general law conclusive and not subject to judicial review. * * * /Citing authority including Woodall v. Paint, supra./ The constitutional provision under these holdings became merely nugatory and of no practical effect. From this helpless position, the courts soon began to recede, many holding that the question

is for the legislature, unless its disregard of the constitutional provision is clear and palpable. * * * [citing authority] This Court in the case of Brooks v. County Court, 111 W. Va. 191, 160 S. E. 914, by amplifying and distinguishing Woodall v. Daret, 71 W. Va. 390, 77 S. E. 264, 80 S. E. 367, 44 L. R. A. (N.S.) 83, Ann. Cas. 1914B, 1276, definitely brings this jurisdiction within the latter group of cases.* * *" Neither the Herold nor Casto case is mentioned in the opinion, nor was any reference made to these cases in Brooks v. County Court, supra. It is also to be noted that in both Brooks v. County Court, supra, and Twin-Tracr Coal Company v. Compensation Commissioner, et al., supra, the legislative acts were held invalid, not because a general law would have been proper, but because there was, in fact, such general laws in effect prior to the passage of the special acts.

In Staley v. Wayne County Court, et al., 109 W. Va. 251, 153 S. E. 567, this Court held invalid an Act of the Legislature of 1929 providing for the financing by a bond issue and building of a road in Wayne County in so far as the act directed with "great particularity" the location of the road. The act provided that the road should be on the west side of Whites Creek between two designated points, whereas the county court prepared plans and specifications by which the road was to be on the east side of Whites Creek in that vicinity. The Court held that the act was in clear violation of that part of Section 39, Article VI, of the Constitution which provides that: "The Legislature shall not pass local or special laws in any of the following enumerated cases; that is to say, for * * * Laying out, opening, altering and working roads or highways; * * *." The

Court also found that portion of the act to be in conflict with Article VIII, Section 24, of the Constitution providing that county courts shall have, under such regulations as may be prescribed by law, "the superintendence and administration of the internal police and fiscal affairs of their counties, including the establishment and regulation of roads, * * *."

Amos Green, an employee of the Board of Education of Braxton County, received a severe injury by falling from a bridge to the bed of a river in performing duties for his employer while the latter was engaged in a governmental function in maintaining and repairing the bridge. By an Act of the Legislature, Chapter 138, Acts of 1949, the board was directed to pay to Green the sum of $2,029.00 upon the finding that a "moral obligation" existed, and that the board should reimburse him to that extent for the injuries he had suffered and the expenses he had incurred. The board by formal order unanimously refused to pay such sum and Green sought mandamus in this Court to direct the members of the board to comply with the Act of the Legislature. This Court found that a moral obligation existed, but held that this act was in violation of Section 39, Article VI of the Constitution which provides: "The Legislature shall not pass local or special laws * * * Regulating or changing county or district affairs; * * *.", in so far as it directed the board to make such payment, but that the act was constitutional in authorizing the board in its discretion to do so. State ex rel. Amos B. Green v. Board of Education of Braxton County, 133 W. Va. 750, 58 S. E. 2d. 279. None of the cases to which reference has been made in this opinion, with the exception of Woodall v. Duret,

supra, as to the question of the existence of a moral obligation, was cited in the majority opinion in that case. Since the board was immune from an action at law, the Court held that the act was invalid to the extent that it directed the board to pay the petitioner the sum of money provided in the act since in so doing the Legislature was "regulating the fiscal affairs of the board."

While this Court said in the opinion in Truax-Traer Coal Company v. Compensation Commissioner, supra, that it had in Brooks v. County Court, supra, "by amplifying and distinguishing" Woodall v. Darst, supra, changed the rule of the earlier cases making the judgment of the Legislature on the propriety and applicability of a general law conclusive and not subject to judicial review, upon no other point has Herold et al. v. McQueen, Sheriff, et al, supra, and Costo et al. v. Upshur County High School Board, supra, been overruled or disapproved. The Court in the Herold case, to repeat, said: "The act does not attempt to regulate or change the county and district affairs of Nicholas County. Such county and district affairs as the legislature is inhibited from regulating or changing by a local or special act, are still carried on in that county under the general laws applicable alike to all counties and districts of the state. The act only creates a county high school, and provides for its support by a tax to be levied on the tax payers of the whole county; it does not work a change in, or operate as a regulation of, the general county and district affairs which already existed, * * *."

It will be noted in reading the inhibitory provisions of Article VI, Section 39, that all except one are

specific. The definitions of the words "regulate", "change" and "affairs" in Black's Law Dictionary, 3rd Edition, and Websters New International Dictionary, 2nd Edition, indicate the vagueness and generality of this part of Section 39. However, the language is specific enough to prohibit the Legislature from passing a local or special law which deprives a county or district of the funds necessary to the functioning of required activities of government. To quote from the opinion of Judge Fox in Kenny, etc. v. County Court of Webster County et al., 124 W. Va. 519, 21 S.E. 2d. 365: "* * * We cannot have constitutional government in the counties without courts for the control of their fiscal affairs; taxes must be collected, and therefore, we must have assessors and sheriffs; law and order must be preserved, and crime suppressed, therefore, we must have courts, not only to try persons accused of crime, but settle disputes of a civil nature which arise between citizens, and such courts must have clerical assistance; juries must be summoned and paid; we must have officers to apprehend and prosecute alleged criminals; jails must be built and maintained, and prisoners fed; and elections must be held for the selection of officials, county, state and national. All these, and many others which might be mentioned, are the mandatory expenses necessary to the functioning of constitutionally required activities of county government, * * *."

It is clear from the record in this case that the act in question does not deprive the County of Kanawha of funds necessary to meet the expenses of these mandatory functions of government. The respondent expresses apprehension of what the Legislature may do in the future to affect its affairs, even though

this act may not do so. "* * * a court will not anticipate prospective conditions which may never arise, in order to declare a law unconstitutional; and a statute is not to be upset on hypothetical and unreal possibilities if it is valid according to the facts as they exist." 12 C.J., Constitutional Law, §219. The following quotation is from the opinion of Judge Hatcher in Road Commission v. County Court of Kanawha County, etc., 112 W. Va. 98, 163 S. E. 815: "* * * The relation which counties bear to the state must not be overlooked. The state is the sovereign, and counties are mere territorial subdivisions for purposes of convenience. Whatever of power is had by county courts was delegated by the state. It is familiar law that this power may be supervised by the legislature in the interest of public exigencies.* * *"

In seeking enlightenment and guidance in determining the primary issue presented in this proceeding, an examination has been made of the Constitution of 1863, the Constitution of 1872, the Debates and Proceedings of the First Constitutional Convention of West Virginia, Volume III, and more than a cursory study of the "special acts" of the Legislature from its first meeting, as found in the "Index of the Special Acts and Resolutions of the West Virginia Legislature (1949)", in so far as such acts appeared applicable. Before the adoption of the Constitution of 1863, there was directed to the citizenry of this State by the delegates an address which is found in the Debates and Proceedings, Volume III, and signed by A. D. Soper, President, and Ellery R. Hall, Secretary. These quotations are from that address, separated

by omission marks: "By the Constitution now presented, the legislative power of the State is vested in a senate and house of delegates. This power would be supreme in all cases were it not limited by the state and National constitutions. The restrictions inserted in the constitution now proposed, to prevent the abuse and the unnecessary use of this power, cannot be enumerated in this address. Your attention, however, is called to the fact, that in all practicable cases, the legislature is required to act by general laws. This obviates, to a great extent, the necessity for special legislation, and discourages that private solicitation of the members, the tendency of which is to introduce corruption and bribery as elements of legislation.* * *" (Italics Supplied.) "* * *." "* * * The confinement of the action of the legislature to general laws in reference to those practical matters which concern every citizen in every section of the State, gives assurance that, if not at first, yet speedily, those laws will receive that form which is most in accordance with the united wisdom and experience of the whole population. This illustrates the true theory and object of representative government." (Italics supplied.) Although the Constitution of 1863 did not contain the eighteen specific inhibitory provisions, they were added by the Constitution of 1872. The evidence is overwhelming, from an examination of the Special Acts of the Legislature, under the Constitutions of both 1863 and 1872, that the Legislature found it necessary, in its wisdom to enact special legislation, inasmuch as it was not "practicable" in many instances to act by general laws. It is true, of course, that, where the unconstitutionality of an act is clear, no amount of legislative

interpretation of a constitutional provision is to be considered by a court in ascertaining its meaning. However, where, as here, there is a provision containing words that may have different meanings to different persons, and which are subject to different interpretations by different tribunals, we are bound by the decisions of this Court to give careful consideration to the legislative interpretation of this constitutional provision over a period of almost a hundred years. The construction given it by previous decisions of this Court cannot be disregarded unless such decisions are overruled. These examples are illustrative of many local or special Acts of the Legislature: Chapter 17, Acts of 1872, requiring the German language to be taught in the free school of Charleston by a male teacher; Chapter 151, Acts of 1927, requiring the County Court of Hancock County to mark graves of early settlers, pioneers and soldiers; Chapter 83, Acts of 1875, authorizing Grant and Mineral Counties to erect and maintain toll gates on the county roads, and collect tolls; Chapter 12, Acts of 1864, credit of $200.00 allowed William Turner, collector for Wayne County for funds taken from William Nixon, collector, "by rebels"; Chapter 12, Acts of 1864, credit of $645.00 for funds taken from William Nixon himself "by rebels"; Chapter 85, Acts of 1881, judgment against Andrew J. Cole in the Circuit Court of Mercer County, by East River District, released and extinguished; Chapter 114, Acts of 1870, marriage between two named persons legalized; Chapter 158, Acts of 1872-73, unlawful to dig ginseng on lands of another without consent in counties of Pocahontas, Greenbrier and Webster; Chapter 111, Acts of 1925, high school at Sharples in Logan County validated; Chapter 104, Acts of

1929, validating high school at Brush Fork in Mercer County; Chapter 124, Acts of 1915, establishing a county high school in Putnam County, Chapter 101, Acts of 1915, Chapter 102, Acts of 1915, Chapter 87, Acts of 1923, Chapter 31, Acts of 1905, and many others establishing county high schools, all prior to the enactment of Chapter 8, Acts of the Legislature, 1st Extraordinary Session, 1933.

Article IX, Section 6, of the Constitution empowers the Legislature, in regard to county officers, to "provide for the compensation, the duties and responsibilities of such officers, and may provide for the appointment of their deputies and assistants by general laws."

Article IV, Section 8, provides that: "The Legislature, in cases not provided for in this Constitution, shall prescribe, by general laws, the terms of office, powers, duties and compensation of all public officers and agents, and the manner in which they shall be elected, appointed and removed." Notwithstanding such provisions, Code, 7-7-1, as amended, relating to the salary of sheriffs has 55 subsections fixing the annual compensation of the sheriff of each county. Similarly, 7-7-2, as amended, relating to the salaries of county clerks; 7-7-3, as amend relating to the salaries of circuit clerks; 7-7-5, as amended, relatin to the salaries of prosecuting attorneys; and 7-1-5, as amended, relat ing to the salaries of county commissioners, fix the salaries of each of these officials in each county by special not general acts. A comparison of the salaries paid to both the constitutional and statutory officials of the different counties indicates that there is not necessarily a direct relationship between the salaries fixed for such officials, and the geographical size of the county, or its

population. "The united wisdom and experience of the whole population", to quote from the address of the delegates of the Convention of 1863, addressed to their constituents, show that there have been many "practicable cases" in which the desired result could be obtained only by special laws. The following examples show the impracticability of fixing the salaries of the officials of all of the counties in the State by general law. In 1950, Kanawha County had a population of 239,629, while Wirt County had a population of 5,119. The area of Kanawha County is 913 square miles, and the area of Wirt County is 234 square miles. The assessed valuation of all property in Kanawha County in 1956 was $449,696,125.00, and in Wirt County $6,641,535.00. Randolph, the largest county in the State, with an area of 1,046 square miles, had a population of 30,558 in 1950, and property of an assessed valuation in 1956 of $37,684,140.00, while Ohio County, one of the smaller counties in area with 109 square miles, had a population in 1950 of 71,672, and an assessed property valuation in 1956 of $220,398,000.00. The infeasibility in many instances of drafting a general law adaptable to the needs and desires of the citizens of all counties, and their peculiar circumstances is obvious. The yearly salaries of the sheriffs of the four mentioned counties are respectively, $9,000.00, $2,500.00, $5,000.00 and $5,000.00. Thus, it may be assumed that those who represent these counties in the Legislature have been instrumental in having adopted such special acts with regard to salaries paid out of the county treasury to public officials as represent "the united wisdom" of the citizens of the counties which they represent. Such special

acts are sometimes necessary, when not forbidden by the Constitution, to effectuate rather than to destroy local self-government.

With due regard to the fundamental principles of government, enunciated herein, and the decisions of this Court cited in this opinion, we are constrained to hold that this act does not violate the provisions of Article VI, Section 39 of the Constitution of this State. "Courts will not hold an act of the legislature to be contrary to the Constitution without great caution and unless it be manifestly and beyond doubt unconstitutional." Pt. 3, Syllabus, South Morgantown v. Morgantown, 49 W. Va. 729, 40 S. E. 15.

The contention that the act is in violation of Section 24, Article VIII of the Constitution, gives this Court no concern. In Kenny, etc. v. County Court of Webster County, et al., supra, in discussing this section, it was said in the opinion: "* * * Again, attention is called to the fact that this power is to be exercised 'under such regulations as may be prescribed by law.' The enactment of law is a legislative prerogative, so that the clear meaning of the constitution is that under such regulations as may be prescribed by the legislature, through its enactment of laws, county courts shall have such superintendence.* * *" See also 15 C.J., Counties, §53; 14 Am. Jur, Counties, §30; 1 Cooley on Taxation, 907. It is true as stated by the respondent that this act requires the County Court of Kanawha County and the City of Charleston to provide funds for the maintenance of an institution whose board of directors are selected by the Board of Education. However, no authority is cited in support of the contention that such provision renders the act

invalid. To the contrary are Kenny, etc. v. County Court of Webster County, et al., supra, and Helsel v. Tri-State Airport Authority, etc., 135 W. Va. 526, 64 S. E. 2d. 32. Perhaps it would have been wise for the act to have provided that all who contributed should have a voice in the management of the library. Again, we can only say that this is a Court and not a legislative body.

Finally, we are asked to hold that a public library is not a function of government, and, therefore, the legislature has no authority to require local units of government to expend funds for its maintenance. The quotations herein from Article 1 of Chapter 10 of the Code indicate that public libraries are a matter of concern to the people of this State, and that it is a matter of public policy that their creation and maintenance be encouraged. 51 Am. Jur, Taxation, §356.

In Glover v. Gluck, etc., 121 W. Va. 407, 3 S. E. 2d. 612, this Court held that an Act of the Legislature was not in conflict with the Constitution of this State which provided for the payment out of the State Treasury of the sum of $130,000.00 for indebtedness of the athletic department of West Virginia University, which indebtedness resulted because the income of that department had been used to pay interest and principal on outstanding bonds of the West Virginia University Stadium Corporation, a private corporation. In the opinion by Judge Maxwell is this statement: "* * * No one can successfully assert that a proper athletic program is not appropriate to a great educational institution. The physical welfare of young men and women cannot with propriety be ignored. Education is a proper function of state government and

includes appropriate physical development as well as mental and moral. * * *" That huge sums of money have been expended in this State pursuant to statutes, city ordinances, or orders of county courts for the physical development or pleasure of its citizens is common knowledge. Football stadiums, baseball parks, "field houses", recreation centers, golf courses, swimming pools, public parks and other public recreational and entertainment areas exist in all sections of the State. Public libraries are scarce. However, we find that they are as much a public function as are the other enterprises heretofore mentioned. Particularly is this true of a public library containing 166,000 volumes, with a circulation of approximately 750,000 annually, which acts also in the capacity of furnishing to each of the more than 500 classrooms of Kanawha County several hundred volumes each year. The importance of physical development cannot be minimized, and the importance of mental development must not be minimized. It is not likely that any future Wellington, returning from a victorious war, will accredit his victory to "the playing fields of Eton." The use of approximately 750,000 books annually by the citizens of Kanawha County indicates that there are many who agree with Milton that: "A good book is the precious life blood of a master spirit, embalmed and treasured up on purpose to a life beyond life."

The writ as prayed for will be awarded.

Writ awarded.

MINUTES OF A MEETING OF THE

BOARD OF DIRECTORS

KANAWHA COUNTY PUBLIC LIBRARY

HELD ON

MAY 6, 1958

The regular meeting of the Library Board of the Kanawha County Public Library was held on May 6, 1958, at 4:00 p.m. in the Board Room of the Library.

The following members were present:

Mr. Ray
Mrs. Brown
Mr. Chilton
Dr. Cook
Mr. Dickinson
Mr. Hanson
Colonel Phillips
Mr. Shonk

The President presided. The Secretary reported that a quorum was present. The minutes of the April 1, 1958, meeting were approved.

Director's Monthly Report. The Director read his report for the month of April in which he reviewed the activities of the Library. Several questions were asked at the conclusion of the report. Following discussion, the report was accepted and ordered filed, and the Director was authorized to publish such parts of the report as he might deem desirable.

Reports of Committees

Building and Grounds Committee. Mr. Hanson reported that a meeting of the Building and Grounds Committee was held on May 1, 1958, to discuss and make plans affecting the present Library building - whether to remain and

improve the present structure or if the opportunity should present itself, to move to the Old Post Office Building on Capitol Street, which would require a considerable expenditure for necessary remodeling.

The committee decided to secure the services of a library building expert recommended by the Chairman of the American Library Association Committee on Architecture and Planning, and arrangements have been made for Mr. James Russell Bailey, of Orange, Virginia, a recognized authority in the field, to come to Charleston on May 12, 1958, for an examination of the two buildings and a conference with members of the Board.

Approval of Bills. The Director submitted Book Bills List No. 11 and General Bills List No. 11 duly certified and approved in accordance with the By-Laws and, on motion made by Mr. Chilton, seconded by Dr. Cook and duly passed, it was ordered that the bills set out on the two lists be paid and that the said bills be transmitted for that purpose by the Director to the Board of Education of the County of Kanawha.

Approval of Expenditures from Special Funds. The Director submitted Special Funds List No. 10, duly certified and approved in accordance with the By-Laws, and on motion by Mr. Chilton, seconded by Dr. Cook and duly passed, it was ordered that the bills set out in the said list be paid.

NEW BUSINESS

Budget - Unexpended Salaries. It was moved by Colonel Phillips, seconded by Dr. Cook and unanimously

> RESOLVED, That the unexpended balance in the salaries account, which is the result of unfilled positions on the library staff, be spent for other necessary operating expenses.

Position Vacancies. The Director reported that a vacancy exists in the Extension Department. He stated that Miss Joan Della Hurley, age 25, of Bradshaw, West Virginia, was a candidate for the position. The Director reported on Miss Hurley's educational background, her library experience and appraisals of her personality and performance obtained from the Dean of the George Peabody Library School at Nashville, Tennessee, and from the Assistant Superintendent of McDowell County Schools. Miss Hurley was interviewed by the Director and also met with Miss Alderson and the other department heads. The Director recommended that she be appointed.

It was moved by Mr. Chilton, seconded by Colonel Phillips and unanimously

RESOLVED, That Miss Joan Della Hurley be appointed Assistant Extension Librarian effective September 1, 1958, at an annual salary of $4,009.

The Director reported that another vacancy will occur on July 1, 1958, in the Reference Department with the resignation of Mrs. Ida Andrus Bullen. He stated that Miss Ruby Hazel Fisher, long associated with the Kanawha County Public Library as a substitute librarian, with years of experience as a high school, college, and public librarian, is a candidate for the position. The Director recommended that she be appointed.

It was moved by Dr. Cook, seconded by Mr. Chilton and unanimously

RESOLVED, That Miss Ruby Hazel Fisher be appointed Assistant Reference Librarian effective July 1, 1958, at an annual salary of $4,159.

Resolution of Appreciation to Mr. Donald O. Blagg and Mr. A. Guy Stone. It was moved by Mr. Chilton and seconded by Colonel Phillips and unanimously

RESOLVED, That the Library Board, at their meeting of May 6, 1958, does hereby record its most grateful appreciation to Mr. Donald O. Blagg and Mr. A. Guy Stone for their magnificent preparation, enthusiastic and successful direction of the Library Bill proceeding before the Supreme Court of Appeals of West Virginia; and,

RESOLVED FURTHER, That the value of their service for the good of the community of Kanawha County be recognized. We do hereby make a formal expression of our gratitude to Mr. Blagg and Mr. Stone; and,

THEREFORE, BE IT RESOLVED, That a copy of the resolution be spread upon the minutes of this meeting.

Personnel and Salary Changes. The Director submitted a list of personnel and salary changes, which are in accord with the salary scale. On motion duly made, seconded, and carried, all the changes were ratified, approved, and confirmed.

There being no further business, the meeting on motion adjourned.

J. Thurl Ray
President

Nicholas Winowich
Secretary

MINUTES OF A MEETING OF THE

BOARD OF DIRECTORS

KANAWHA COUNTY PUBLIC LIBRARY

HELD ON

JUNE 10, 1958

The regular meeting of the Library Board of the Kanawha County Public Library was held on June 10, 1958, at 4:00 p.m. in the Board Room of the Library.

The following members were present:

Mr. Ray
Mrs. Anderson
Mr. Chilton
Mr. Hanson
Mr. Lovenstein
Colonel Phillips
Dr. Pianfetti
Mr. Shonk

The President presided. The Secretary reported that a quorum was present. The minutes of the May 6, 1958, meeting were approved.

Director's Monthly Report. The Director read his report for the month of May in which he reviewed the activites of the library. The report was accepted and ordered filed and the Director was authorized to publish parts of the report as he might deem desirable.

Reports of Committee

Building and Grounds Committee. Mr. Hanson reported that the committee had met with Mr. J. Russell Bailey on May 12, 1958, to receive a preliminary verbal report following his examination of the present Library Building and the Old Post Office Building. Copies of Mr. Bailey's written report later submitted by

him were distributed by the Director. Following discussion, the report was accepted and ordered filed.

Budget Committee. Mr. Hanson submitted a proposed budget for the fiscal year 1958/1959, which the Budget Committee had approved. After full discussion, the proposed budget was amended in some respects, and then it was moved by Mr. Shonk and seconded by Mrs. Anderson that the budget for 1958/1959 be adopted, and that a copy thereof be attached to the minutes of this meeting. The motion passed.

Salary Scale. It was moved by Mr. Shonk and seconded by Dr. Pianfetti that the professional and non-professional salary scale, as submitted by the Director and recommended by the Budget Committee, be approved. The motion passed.

Approval of Bills. The Director submitted Book Bills List No. 12 and General Bills List No. 12, duly certified and approved in accordance with the By-Laws, and, on motion made by Mr. Chilton, seconded by Mr. Lovenstein and duly passed, it was ordered that the bills set out on the two lists be paid and that the said bills be transmitted for that purpose by the Director to the Board of Education of the County of Kanawha.

Approval of Expenditures from Special Funds. The Director submitted Special Funds List No. 11, duly certified and approved in accordance with the By-Laws, and on motion made by Mr. Chilton, seconded by Mr. Lovenstein and duly passed it was ordered that the bills set out in the said list be paid.

UNFINISHED BUSINESS

Correspondence - State Tax Commissioner. The Chairman reported that he

had received an opinion from the State Tax Commissioner in regard to the fiscal problems of the library. A copy of the opinion was ordered to be filed with the minutes of this meeting, and a copy to be sent to each member of the Library Board.

NEW BUSINESS

Library Board Vacancies. It was moved by Mr. Shonk, seconded by Colonel Phillips, that (i) Mr. A. Guy Stone, as the representative of the Mayor and Council of the City of Charleston, for a term of six (6) years beginning July 1, 1958, (ii) Mr. L. Newton Thomas, as the representative of the County Court of Kanawha County, for an unexpired term ending June 30, 1962; (iii) Mr. John V. Ray, for a term of six (6) years beginning July 1, 1958; and (iv) Mr. John A. Young for a term of six (6) years beginning July 1, 1958, be nominated to the Library Board. The motion passed.

Deed from the Board of Education. The Chairman reported that he was in receipt of a deed for the library building and property, made by the Board of Education of the County of Kanawha to Kanawha County Public Library. It was ordered that the said deed be recorded in the Office of the Clerk of the County Court of Kanawha County.

Nominating Committee. Mr. Chilton moved, Colonel Phillips seconded, that Mr. Lovenstein be appointed chairman with Mrs. Anderson and Mr. Shonk as members of a committee to make nominations for officers for the coming year. The motion passed.

50th Anniversary Committee. Mr. Chilton was appointed chairman of the 50th Anniversary Committee which will include the following Library Board members: Mrs. Brown, Dr. Cook, Mr. Maurice and Mr. Williamson. The celebration will commemorate on June 3, 1959, 50 years of library service to the public.

Special Committee - Old Post Office Building. It was duly moved, seconded and passed that a special committee charged with the task of securing, through negotiation, the Old Post Office Building, as the future home of the Kanawha County Public Library be appointed. Mr. Shonk was named chairman and Mr. Dickinson and Mr. Thomas were appointed to the committee. It was the feeling of the Library Board that there be no publicity, at this time, regarding the project.

Library Interior Appearance. Mr. Shonk and Mrs. Anderson remarked on the general appearance of the library interior as being neat, clean and orderly. It was the feeling of the Library Board that a letter of commendation be sent to Mr. Lander for the good work he and his crew are doing.

Personnel and Salary Changes. The Director submitted a list of personnel and salary changes, which are in accord with the salary scale. On motion duly made, seconded, and carried, all the changes were ratified, approved, and confirmed.

There being no further business, the meeting on motion adjourned.

John W. Ray
President

Mildred Winnrich
Secretary

KANAWHA COUNTY PUBLIC LIBRARY

Budget 1958/1959

Salaries		
Professional	$67,870.00	
Non-professional	55,363.00	
Substitutes	3,178.00	
		$126,411.00
Books		
Books	$37,750.00	
Binding	2,000.00	
Periodicals	2,000.00	
		$ 41,750.00
Other Expenses		
Salaries - Building	$ 9,210.00	
Repairs and Maintenance	2,000.00	
Utilities	5,300.00	
Service Contracts	1,000.00	
Building Supplies	1,000.00	
Office Supplies	3,782.00	
Insurance	1,180.00	
Vehicles - Repairs and Expense	1,975.00	
Furniture and Equipment	450.00	
Travel	900.00	
Printing	500.00	
Memberships	82.00	
Contingencies	200.00	
Social Security	3,050.00	
Workmen's Compensation	210.00	
		$ 30,839.00
		$199,000.00
Capital Improvements		
Building		$100,000.00
		$299,000.00

Estimated Receipts 1958/1959

Balance with Sheriff	$ 43,000.00	
Board of Education	103,600.00	(Approximate)
County Court	103,600.00	(Approximate)
City of Charleston	41,300.00	(Approximate)
Fines, rentals, miscellaneous receipts (Estimated)	7,500.00	
	$299,000.00	

KANAWHA COUNTY PUBLIC LIBRARY

Salary Budget 1958/1959

Professional Staff

Position	Employee	Monthly Salary	Annual Salary
Director	Nicholas Winowich	$637.50	$7,650.00
Chief, Extension Librarian	Frances Alderson	466.66	5,600.00
Chief, Boys and Girls Librarian	Wilma Brown	466.66	5,600.00
Chief, Catalog Librarian	Jane Brugger	466.66	5,600.00
Chief, Circulation Librarian	Juliette Bryson	530.83	6,370.00
Chief, Reference Librarian	Frances Gerard	429.16	5,150.00
Circulation Librarian	Sura Bart	375.00	4,500.00
Circulation Librarian	Ruth Figgatt	412.50	4,950.00
Circulation Librarian	Margaret Hilliard	412.50	4,950.00
Preparation and Binding Librarian	Robert F. Simmons	358.33	4,300.00
Reference Librarian	Hazel Fisher	375.00	4,500.00
Boys and Girls Librarian	To be appointed	362.50	4,350.00
Extension Librarian	Joan Hurley	362.50	4.350.00
			$67,870.00

Non-Professional Staff

Director's Secretary	Lorena Ammar	330.00	3,960.00
Order Clerk	Mae Thomas	245.00	2,940.00
Special Clerk	Paula Pfost	235.00	2,820.00
Special Clerk, Extension	Joyce Isner	225.00	2,700.00

Position	Employee	Monthly Salary	Annual Salary
Senior Clerk, Extension	Laverta Spurlock	$225.00	$2,700.00
Senior Clerk, Extension	Carol Cavender	185.00	2,220.00
Senior Clerk, Catalog	Sandra Sue Copen	195.00	2,340.00
Senior Clerk, Catalog	Patricia Sue McNellan	195.00	2,340.00
Senior Clerk, Circulation	Peggy Douglas	185.00	2,220.00
Senior Clerk, Circulation	Marjorie Cooke	195.00	2,340.00
Senior Clerk, Circulation	Betty Sexton	205.00	2,460.00
Senior Clerk, Extension	Mary Perriello	195.00	2,340.00
Senior Clerk, Circulation (part-time)	Sammy Powers	97.50	1,170.00
Senior Clerk, Circulation (part-time)	Carolyn Smith	102.50	1,230.00
Senior Clerk, Boys and Girls	Gladies Evans	195.00	2,340.00
Senior Clerk, Extension (new position)	To be appointed	185.00	2,220.00
Senior Clerk, Boys and Girls	La Donna Evans	185.00	2,220.00
Bookmobile Driver	Evan Hall	290.00	3,480.00
Pages - 190 hours per week x 52 @ 85¢			8,398.00
Pages - 75 hours per week x 52 @ 75¢			2,925.00
			$55,363.00

Vacation Substitutes

1 librarian 2½ months	906.00
1 librarian 2½ months	906.00
1 reference librarian - 7 hours per week	786.00

1 truck driver for deposit collections and fire stations	$ 442.00
1 substitute bookmobile driver	138.00
	$ 3,178.00

TOTAL SALARY BUDGET	$126,411.00

Books

Books		
Boys and Girls	$ 6,000.00	
Circulation	11,500.00	
Extension	11,000.00	
Reference	5,500.00	
		$34,000.00
Audio-Visual	$ 1,000.00	
Binding	2,000.00	
Book Contingency - Director	100.00	
Catalog Cards	500.00	
Continuations	2,000.00	
Periodicals	2,000.00	
Postage	150.00	
		$ 7,750.00
		$41,750.00

Salaries - Building

Position	Employee	Monthly Salary	Annual Salary
Building Superintendent	Charles B. Lander	$300.00	$3,600.00
Janitor	Robert Dawkins	215.00	2,580.00
Janitor	Fred Skiles	215.00	2,580.00
Substitute		225.00	450.00
			$9,210.00

Repairs and Maintenance

Roof	$ 100.00
General repairs - repairing light fixtures, painting, removing pigeons, and others	1,900.00
	$2,000.00

Utilities

Electricity	$2,750.00
Gas	1,430.00
Telephone	850.00
Sewerage	130.00
Water	140.00
	$5,300.00

Service Contracts

Fred Skiles - hauling trash - 12 months @ $20.00	$240.00
Gaylord Brothers - rental of charging machine for one year	50.00
General Window Cleaning - 6 months @ $52.00 - washing windows	312.00
International Business Machines - contract for electric typewriter	35.00
Orkin Exterminating Company - 12 months @ $10.00	120.00
Property Protection Company - recharging of fire extinguishers	27.50
Laird Office Equipment Company - once every 3 months @ $6.00 - Mimeograph Machine	24.00
Johnson Office Equipment - maintenance contract for 12 typewriters	191.50
	$1,000.00

Building Supplies

Fluorescent tubes and incandescent lamps	$400.00
Wax, steel wool buffing pads, brooms, mops, soap and other items	600.00
	$1,000.00

Office and Library Supplies

Catalog cards	$ 325.00
Application cards - juvenile	50.00
Book pockets	200.00
Book cards	100.00
Stencils	50.00
Plastic paste	200.00
Book bags	100.00
Date due cards	50.00
Bookote	100.00
Postal cards and stamps	650.00
Vacation reading club	60.00
Picture collection paper	26.00
Mimeograph paper	100.00
NOOB pins	200.00
Identification cards	200.00
Book cards	60.00
	$2,471.00
Mending supplies, printed forms, envelopes, stationery, typing paper and other supplies	$1,311.00
	$3,782.00

Insurance

	Amount Insured	One Year Premium
Building - fire	$600,000.00	$278.00
Valuable papers	208,035.00	318.00
Boiler explosion	20,000.00	178.00
Bookmobile contents - fire and theft	4,258.20	40.00
Bookmobile - public liability and property damage	50,000/100,000/300,000	275.00
Fine arts - paintings	3,950.00	6.00
Public liability - building	100,000/300,000/25,000	85.00
		$1,180.00

Vehicles - Repairs and Expense

Gasoline, lubrication, grease, oil for bookmobile and truck	$1,125.00
Washing bookmobile	100.00
Tires for bookmobile	200.00
Work on bookmobile	200.00
Commercial electrical power for bookmobile installations	200.00
Garage rental - bookmobile November-March	150.00
	$1,975.00

Furniture and Equipment

1 Typewriter	$200.00
1 Record player	250.00
	$450.00

Travel

Director and staff members to attend the Middle Atlantic Regional Meeting	$300.00
Director to attend American Library Association Midwinter Meeting	200.00
Director to attend American Library Association Annual Conference	400.00
	$900.00

Printing

Annual Reports - 750 copies	$155.00
Bookmobile - 10,000 Fall and Winter Schedules	160.00
Welcome Wagon Folders - 2,000 copies	38.00
Bookmobile - Summer Schedule	147.00
	$500.00

Memberships

American Library Association - institutional	$77.00
West Virginia Library Association	5.00
	$82.00

Contingencies

Ad in library publications	$100.00
Miscellaneous	100.00
	$200.00

Social Security

2¼ per cent on all salaries	$3,050.00

Workmen's Compensation

Amount based on Class P-7 (all employees except building staff and bookmobile driver) at 13¢ per $100.00	$160.00
Amount based on Class K-4 (building staff and bookmobile driver) 38¢ per $100.00	50.00
	$210.00

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STATE OF WEST VIRGINIA

OFFICE OF THE TAX COMMISSIONER

CHARLESTON 5

John A. Field, Jr.
State Tax Commissioner

May 23, 1958

Legal Division:

Henry C. Bias, Jr.
Donald C. Carman
Arthur N. Gustke
Louis R. Tabit

Mr. John V. Ray, President
Kanawha County Library
Charleston, West Virginia

Re: Kanawha County Public Library

Dear Mr. Ray:

Your letter of April 26, 1958, addressed to the Honorable John A. Field, Jr., State Tax Commissioner of West Virginia, was duly received and referred to this office for consideration. For convenience, your letter is herein set forth:

"The Board of Directors of Kanawha County Public Library included in its budget for the current fiscal year a sum of money to be used for remodeling the library building so as to make it more efficient for library purposes.

"The first improvement to be made, it is believed, should be the installation of an elevator. The sum available from this year's budget is not sufficient to pay the entire cost of installing an elevator. The Board of Directors would like to include in next year's budget a sum for improvements which, with the sum available out of this year's budget, will be sufficient to install the elevator.

"Will you advise whether, in your opinion, the Board of Directors of Kanawha County Public Library may lawfully so carry over money available in this fiscal year to the next fiscal year, or whether Kanawha County Public Library is subject to the same laws which forbid Boards of Education, County Courts and Municipalities from carrying funds raised in one fiscal year over to the following fiscal year.

"Inasmuch as it is going to require extensive remodeling of the library building in order to modernize it, and it is not feasible to undertake to raise the money required to do all of the work in any one fiscal year, the Board of Directors has in mind that it will take five or six years to complete

> the proposed remodeling; so will you advise whether Kanawha County Public Library may lawfully make a contract for work (such as the installation of an elevator), which will cost more than the money available in the current fiscal year and the additional money needed, it is contemplated, is to be raised and paid out in the following fiscal year."

Chapter 178, Acts of the Legislature, Regular Session, 1957, created the "Kanawha County Public Library" and provides that it shall be supported by the Board of Education of Kanawha County, the County Court of Kanawha County and the City of Charleston as a joint endeavor of three governing authorities in the manner therein provided. The Act further provides, in Section 23 and 24 thereof, that a Board of eighteen directors, all appointed by the Board of Education, shall have all the power necessary, convenient and advisable for the proper operation, equipment and management of the library; that the Library Board shall be a corporation; and that title to the property devoted to library purposes shall be vested in Kanawha County Public Library. Section 5 provides for the support, maintenance and operation of the library and the branches thereof and instructs the Library Board to annually request each of the three governing authorities to levy on property as therein prescribed. Section 6 directs that all money collected or appropriated by the three governing authorities for library purposes shall be deposited in a special account of the Board of Education of Kanawha County, and shall be disbursed by it, as directed by the Board of Directors "for salary, wages, books, magazines, pamphlets, papers, pictures, records, machinery, equipment, supplies, services and other costs and expenses of operating the public library and maintaining, repairing and replacing its property, as well as acquiring additional property. Section 7 deals with the status of employees, Section 8 with the effect of future amendments of general law and Section 9 with severability.

Code 1931, 11-8-4, as amended, defines taxing units in which a vote to increase levies under the tax limitation amendment to the State Constitution may be had. The definition includes boards of education, county courts and municipalities. It does not include public libraries or, specifically, Kanawha County Public Library. It is to be noted, however, that Sections 25 and 26 of the same Chapter and Article use different terminology. Section 25 specifies that: "Boards, or officers expending funds derived from the levying of taxes shall expend the funds only for the purposes for which they were raised". Section 26 states that, "A local fiscal body shall not expend money or incur obligations:

> (1) In an unauthorized manner;
> (2) For an unauthorized purpose;
> (3) In excess of the amount allocated to the fund in the levy order.
> (4) In excess of the funds available for current expenses."

Section 27 provides that indebtedness created, contract made, or order or draft issued in violation of the two preceding sections shall be void. The first question, then, is whether or not Kanawha County Public Library falls within the

meaning of "Boards or officers", as used in Section 25, or "a local fiscal body" as used in Section 26.

It judicially appears that for the current fiscal year a request was made by the Kanawha County Public Library Board of Directors of the three supporting governing authorities and a levy accordingly laid under the provisions of Section 5 of said Chapter 178. Kanawha County Public Library v. County Court (W.Va.), 102 S. E.2d 712, decided March 25, 1958. By providing for the appointment of a Board of Directors for Kanawha County Public Library and vesting in such Board "all the powers necessary, convenient and advisable for the proper operation, equipment and management of the Library", it necessarily follows that said Board of Directors will be "expending funds derived from the levying of taxes . . . ." Code, 11-8-25, as amended. The above cited case, in upholding the validity of said Chapter 178 as not being violative of the provisions of Section 39, Article VI, or Section 24, Article VIII of the State Constitution, also in effect established that a public library is a function of government.

In the case of Brown v. Board of Education of Charleston Independent School District, 106 W.Va. 476, 146 S.E. 389, the Court held that the Board could not exclude colored persons from the use of the library, recited the history thereof and stated that, "Boards of Education and other subordinate governmental agencies are limited in their authority by the Constitutional provisions or the Legislative enactments which gives them birth." Other authorities were quoted, some of which are as follows:

> "In common with the grant of powers to all subordinate and public quasi corporations, the rule of law applies of strict construction and a consequent limitations of the rights which may be exercised by them and the duties which they can legally perform.
>
> * * *
>
> " 'School districts' are quasi municipal corporations of the most limited power known to the law, and their trustees have special powers, and cannot exceed the limit'."

While the Kanawha County Public Library is not a taxing unit it most certainly is a public corporation (State v. Board of Park Commissioners, 131 W.Va. 417, 47 S.E.2d. 689) whose directors propose to use money made available by the levying of taxes on the basis of a proposed budget.

It should be observed that Code 1931, Chapter 10, Article 1, as amended, defines a public library and authorizes and empowers a governing authoriety, i. e. county court, county board of education or municipality, to create, maintain, etc. a public library and to appoint a board of five directors which shall be a

corporation. Section 6 of said Chapter and Article requires the treasurer of the board to give a bond to the governing authority; and specifies that "all money appropriated or collected for public library purposes shall be deposited in the treasury of the governing authority to the credit of the library fund, and shall be paid out on the certified requisition of the library board, in the manner provided by law for the disbursement of other funds of such governing authority." (Emphasis supplied). Section 2 of said Chapter 178, provides:

> " . . . ; and, except as otherwise specially provided in this act, (the board of directors) shall have the powers and be subject to the duties which are conferred and imposed, respectively, upon library directors by sections six, seven, eight, nine, ten and eleven of article one of chapter ten", Code, as amended.

It is submitted that the clear legislative intent was to impose upon libraries, whether created under said Chapter 10, Article 1, or said Chapter 178, the same safeguards with respect to the expenditures of money raised by the levying of taxes as it imposed upon governing authorities.

Revisions of law since the decision in Davis v. Board of Education, 38 W.Va. 382, 18 S.E. 588, wherein a contract for the construction of a school house at a price exceeding the amount of money available for a fiscal year was held valid because it contained a provision relieving the board from liability for anything beyond that which was then lawfully available, have rendered the ruling in that case nugatory. See McCoy v. Town of Riverside, 109 W.Va. 670, 158 S.E. 539; Swiger v. Board of Education, 107 W.Va. 173,147 S.E. 708; Shonk Land Co. v. Joachim, 96 W.Va. 708, 123 S.E. 444.

Note the language of the Court in Ireland v. Board of Education, 115 W.Va. 614, 177 S.E. 452, holding that an undertaking by a fiscal body in advance of a fiscal year for the expenditure of money within that period, even though an equivalent amount of money be then on hand as a surplus or balance from the current year, is in reality an invasion of the funds of such subsequent year, and a violation of Code 1931, 11-8-13:

> "The interdiction of the statute lies against contracts for 'the expenditure of money in excess of funds legally at the disposal of such fiscal body.' The underlying purpose of the statute is to prevent the incurring of obligations which can be met only out of funds to be realized from levies of a subsequent year.
>
> "It does not follow from the fact that a fiscal body has a surplus of money at the end of a fiscal year that it may contract for the expenditure of such

> money from month to month through the succeeding year. Any excesses or balances should be carried into the proper funds of the succeeding fiscal year and proper credit made therefor when levies are being laid for that year. The balances operate to reduce future levies pro tanto. It follows that a contract in advance of a fiscal year for the expenditure of money, within that period, even though an equivalent amount of money be then in hand as a surplus or balance from the current year, is in reality an invasion of the funds of such subsequent year, and is in violation of Code 1931, 11-8-13."

In the case of Baldwin v. City of Martinsburg, 133 W.Va. 515, 56 S.E.2d 886, the Court stated:

> "We do not think there has been any time in the history of this State when the Legislature has not sought to impose upon counties, school districts and municipalities what is known as a 'pay as you go' policy in respect to public expenditures.
>
> * * *
>
> "So far as we know, there is no authority under our statute, or otherwise, for the expenditure by a municipality of any sum of money unless such expenditure has been authorized by its inclusion in the budget estimate which is required to precede the laying of taxes on real and personal property."

Syllabus 1, in the case of State, ex rel. v. Lawson, 110 W.Va. 258, 157 S.E. 589, holds in part that funds derived from taxes levied for a particular purpose shall be expended for that purpose and no other. It is true that Section 5 of said Chapter 178 provides that:

> " . . . In addition to the aforesaid amounts which, upon written request by the board, the governing authorities shall levy, each governing authority may support the public library with any other general or special revenues or excess levies. All income realized by the operation of the public library from any sources other than the above levies shall be used by the Board of Directors for the support and maintenance of the Public Library."

While considering Sections 25 and 26, Article 8, Chapter 11, aforesaid,

our Court in Baldwin v. City of Martinsburg, supra, stated:

> "We think it has been universally recognized that the purpose of these statutes, in their application to counties, school districts and municipalities, has been to compel accounting for all funds raised for public purposes in this State. The levy order mentioned in Section 26, quoted above, is, of course, the order which authorizes the imposition of a property tax to create a fund which, in connection with the fund derived from other sources, would take care of the proposed expenditures for the current year; but it is apparent to us that there can be no separation of the funds going to a municipal treasury, from whatever source derived, as respects the expenditures of such funds. The proposition is intended to be as simple as this: the governing body of a municipality assembles in August of the current fiscal year, and estimates what is necessary to be expended for the various municipal activities for the current year. It then estimates the amount of money it will receive from various sources, other than the levy on property located within the municipality. The money received from these various sources may be from licenses and from numerous other businesses, and when aggregated, and then deducted from the estimated expenditures there is developed the amount necessary to be raised by the levying of taxes on property. To say that the statutes respecting estimates are not intended to go beyond the sums of money raised from property taxes is to ignore the realities in connection with the intent and purposes of the budget system. A tax dollar derived from a license, or from a privilege tax, is the same dollar as that derived from real estate or personal property; and the reason why one should be properly accounted for can be applied to the other. The two cannot be divorced. We must treat the statute as all embracing, and as requiring an estimate and allocation of funds for expenditures to be a part and parcel of the whole fiscal system, and not permit a separation of the two and, in effect, say as to one that rigid requirements be enforced, and as to the other that loose methods of expenditures be permitted, without any real accounting for expenditures made."

We conclude therefore, that the Kanawha County Public Library may not lawfully make a contract for work (such as the installation of an elevator) which will cost more than the money available in the current fiscal year, the additional money needed to be raised and paid out in the following fiscal year.

The next question is whether or not the sum made available in the current budget for the installation of an elevator, being insufficient for the purpose, may be carried over to the next fiscal year.

From the authorities previously cited, it is apparent, of course, that any budgeted amount for this year which has not been used must be applied as a credit when the levies are being laid for the next fiscal year. However, in the case of Jarrell v. Board of Education of Raleigh County, 131 W.Va. 702, 50 S.E.2d 442, wherein the Board of Education made an allocation of funds derived from special levies for only some of the projects specifically provided for in orders for special elections to the exclusion of other unfinished specified projects, and for two new projects not mentioned in such orders, on the ground that cost increases since the elections rendered impossible the completion of the designated projects as planned, the Court held that such allocation was an unlawful diversion of funds and stated:

> "That the board is faced with a difficult problem due to a condition created by causes beyond its control, is of course unfortunate, but that regrettable situation can not justify the expenditure of the fund in a manner which the law does not authorize or permit. Though the fund is insufficient to complete each designated project in the manner originally planned, it is adequate, and may be used, to construct each of them on a smaller scale and o on a basis which will utilize the amount specified for each project. If this course be not pursued the fund must be preserved until the financial condition of the county improves to the extent necessary to enable the board to complete, in a lawful manner, the projects as originally planned, and as authorized by the voters."

On the strength of the last quoted sentence therefore, it is our opinion that if the amount included in the current budget of the Kanawha County Public Library for the installation of an elevator is not sufficient for that purpose, such amount could be credited to the account of said Library and as such carried over into next year's budget.

In connection with the tentative plan to remodel and modernize the library building, over a period of five or six years, your attention is invited to Report and Opinions of the Attorney General, 1945-1946, page 151, wherein a plan by the County Court of Monongalia County for a revaluation of its property, the work to be accomplished over a three year period was considered. The opinion expressed, on the strength of authorities cited, was that the County Court did not have authority to make a contract for the payment for services part of which were to be performed in subsequent fiscal years; but that if the funds available in the current fiscal year for the payment of services in connection with the revaluation of the property in the County could be expended in such manner that the services rendered within the current fiscal year would be valuable without reference to any work of like nature which might be performed in any subsequent fiscal year, there was no reason why the funds then available could not be expended for the purpose

indicated. In any subsequent year the Court might then decide as to whether it would be practical to contract for like services to be performed within that year.

We trust that your questions have been satisfactorily answered. However, if we can be of further service to you, please do not hesitate to call upon us.

Very truly yours,

JOHN A. FIELD, JR.
STATE TAX COMMISSIONER

By /s/

Benjamin A. Ritchie
Attorney, Legal Division

BAR:eh

MINUTES OF A MEETING OF THE

BOARD OF DIRECTORS

HELD ON

JULY 11, 1958

The Annual Meeting of the Library Board of the Kanawha County Public Library was held on July 11, 1958, at 4:00 p.m. in the Board Room of the library.

The following members were present:

Mr. Ray
Mr. Chilton
Dr. Cook
Mr. Lovenstein
Mr. Stone
Mr. Williamson
Mr. Young

The President presided. The Secretary reported that a quorum was present. The minutes of the June 10, 1958, meeting were approved.

Director's Monthly Report. The Director read his report for the month of June in which he reviewed the activities of the library. The report was accepted and ordered filed and the Director was authorized to publish such parts of the report as he might deem desirable.

Director's Annual Report. The Director presented his Annual Report for the fiscal year ending June 30, 1958. Following discussion, it was moved by Mr. Young, seconded by Mr. Williamson and unanimously

RESOLVED, That the Annual Report of the Director be received and filed with the minutes of this meeting, as a part thereof; and,

RESOLVED FURTHER, That a copy of the said Annual Report be mailed to each member of the Library Board, each member of the Board of Education of the County of Kanawha, each member of the County Court of Kanawha County, each member of the Council of the City of Charleston and the Mayor, and that copies of the said Annual Report be distributed to other interested parties as the Director may deem to be for the best interests of Kanawha County Public Library.

Report of Committees. There were no committee reports.

Treasurer's Report. The Chairman asked the Director for the Treasurer's Report which was then read. Dr. Cook moved, Mr. Chilton seconded that the report be accepted and filed. The motion passed.

Approval of Bills. The Director submitted Book Bills List No. 13 and General Bills List No. 13, duly certified and approved in accordance with the By-Laws, and on motion made by Dr. Cook, seconded by Mr. Chilton and duly passed, it was ordered that the bills set out on the two lists be paid and that the said bills be transmitted for that purpose by the Director to the Board of Education of the County of Kanawha.

Approval of Expenditures from Special Funds. The Director submitted Special Funds List No. 12, duly certified and approved in accordance with the By-Laws, and on motion made by Dr. Cook, seconded by Mr. Chilton and duly passed it was ordered that the bills set out in the said list be paid.

UNFINISHED BUSINESS

Library Board Memberships. The Director reported that a letter, dated July 8, 1958, had been received from the Board of Education of the County of

Kanawha advising that the following persons had been elected members of the Library Board for the following terms:

For six year terms beginning July 1, 1958

John V. Ray
John A. Young
A. Guy Stone

To serve the unexpired term of the late Virgil L. Flinn ending June 30, 1962

L. Newton Thomas

It was moved by Mr. Williamson, seconded by Dr. Cook that the said letter be received and filed with the minutes of this meeting. The motion passed.

NEW BUSINESS

Transmittal of Budget to Board of Education of the County of Kanawha, City of Charleston and County Court of Kanawha County. Mr. Young moved that the following resolution be adopted:

RESOLVED, That a copy duly certified by the Director, of the budget of Kanawha County Public Library for the fiscal year beginning July 1, 1958, which has been approved and adopted by the Library Board, be transmitted to the Board of Education of the County of Kanawha by a proper letter signed by the President; and,

RESOLVED FURTHER, That the President of Kanawha County Public Library be authorized and directed, in the said letter transmitting the budget to request the Board of Education of the County of Kanawha to lay a levy, in accordance with Section 5 of Chapter 148 of the Acts of West Virginia Legislature, 1957, which will produce its proper share of the total amount required to furnish public library service, as shown in the said budget.

RESOLVED FURTHER, That the officers of the Library Board and the Director be authorized and directed to sign such other papers, and to perform such acts, as may be necessary to effect the proper laying of the said levy by the Board of Education of the County of Kanawha, authorized by the said statute, in order to provide for the support, maintenance and operation of Kanawha County Public Library.

The motion was seconded by Mr. Williamson; and, upon a vote being taken, the motion was carried unanimously.

Mr. Young moved that the following resolution be adopted:

RESOLVED, That a copy, duly certified by the Director of the budget of the Kanawha County Public Library for the fiscal year beginning July 1, 1958, which has been approved and adopted by the Library Board, be transmitted to the Mayor and Council of the City of Charleston by a proper letter signed by the President; and

RESOLVED FURTHER, That the President of Kanawha County Public Library be authorized and directed, in the said letter transmitting the budget, to request the City of Charleston to lay a levy, in accordance with Section 5 of Chapter 148 of the Acts of West Virginia Legislature, 1957, which will produce its proper share of the total amount required to furnish public library service, as shown in the said budget.

RESOLVED FURTHER, That the officers of the Library Board and the Director be authorized and directed to sign such other papers, and to perform such acts, as may be necessary to effect the proper laying of the said levy by the City of Charleston, authorized by the said statute, in order to provide for the support, maintenance and operation of Kanawha County Public Library.

The motion was seconded by Mr. Williamson; and, upon a vote being taken, the motion was carried unanimously.

Mr. Young moved that the following resolution be adopted:

RESOLVED, That a copy duly certified by the Director, of the budget of the Kanawha County Public Library for the fiscal year beginning July 1, 1958, which has been approved and adopted by the Library Board, be transmitted to the County Court of Kanawha County by a proper letter signed by the President; and,

RESOLVED FURTHER, That the President of the Kanawha County Public Library be authorized and directed, in the said letter transmitting the budget, to request the County Court of Kanawha County to lay a levy, in accordance with Section 5 of Chapter 148 of the Acts of West Virginia Legislature, 1957, which will produce its proper share of the total amount required to furnish public library service, as shown in the said budget.

RESOLVED FURTHER, That the officers of the Library Board and the Director be authorized and directed to sign such other papers, and to perform such acts, as may be necessary to effect the proper laying of the said levy by the County Court of Kanawha County authorized by the said statute, in order to provide for the support, maintenance and operation of Kanawha County Public Library.

The motion was seconded by Mr. Williamson; and, upon a vote being taken, the motion was carried unanimously.

Library Staff. The Director submitted to the meeting a list of the members of the staff of Kanawha County Public Library as of July 1, 1958. It was moved by Dr. Cook, seconded by Mr. Young that the list of names be received and filed with the minutes of this meeting. The motion passed.

A.L.A. Annual Conference. Mr. Chilton moved, Mr. Lovenstein seconded that the Library Board authorize the Director to attend the American Library Association Annual Conference at San Francisco, July 13-19, 1958, and that the library pay the expenses thereof. The motion was carried.

Election of Officers. Mr. Lovenstein, chairman of the Nominating Committee, reported the recommendation of the committee as being that Mr. Ray, Mr. Hanson and Mr. Winowich be nominated as President, Vice-President and Secretary/Treasurer of the Library Board, respectively, for a term of one year ending June 30, 1959. An election being held, the said nominees were duly elected.

Capitol Street Federal Building. The Chairman made a brief progress report. Following discussion, it was agreed that correspondence with congressional representatives and others be reproduced for distribution to the members of the Library Board.

Personnel and Salary Changes. The Director submitted a list of personnel and salary changes, which are in accord with the salary scale. On motion duly made, seconded, and carried, all the changes were ratified, approved, and confirmed.

There being no further business, the meeting on motion adjourned.

President

Secretary

KANAWHA COUNTY PUBLIC LIBRARY

Effective July 1, 1958

Professional Staff

Position	Employee
Director	Nicholas Winowich
Chief Boys and Girls Librarian	Wilma Brown
Chief Catalog Librarian	Jane Brugger
Chief Circulation Librarian	Juliette Bryson
Chief Reference Librarian	Frances Gerard
Chief Extension Librarian	Frances Alderson
Circulation Librarian	Ruth Figgatt
Circulation Librarian	Margaret Hilliard
Reference Librarian	Hazel Fisher
Preparation and Binding Librarian	Robert F. Simmons
Boys and Girls Librarian	To be appointed
Circulation Librarian	Sura Bart
Extension Librarian	Joan Hurley
Reference Librarian - part-time	Clarice Bailes
Reference Librarian - part-time	Mary Ellis

Non-Professional Staff

Director's Secretary	Lorena Ammar
Order Clerk	Mae Thomas
Special Clerk, Office	Paula Pfost
Special Clerk, Extension	Joyce Isner

Non-Professional (continued)

Position	Employee
Senior Clerk, Boys and Girls	La Donna Evans
Senior Clerk, Boys and Girls	Gladies Evans
Senior Clerk, Catalog	Sandra Sue Copen
Senior Clerk, Catalog	Patricia McNellan
Senior Clerk, Circulation	Marjorie Cooke
Senior Clerk, Circulation	Betty Sexton
Senior Clerk, Circulation	Peggy Douglas
Senior Clerk, Circulation - part-time	Carolyn Smith
Senior Clerk, Circulation - part-time	Sammy Powers
Senior Clerk, Extension	Carol Cavender
Senior Clerk, Extension	To be appointed
Senior Clerk, Extension	Mary Perriello
Senior Clerk, Extension	Laverta Spurlock
Bookmobile Driver	Evan Hall
Page, Boys and Girls	Mary Kay Plovanich
Page, Boys and Girls	Margaret Vitiello
Page, Boys and Girls	Lynn Aschenbrenner
Page, Boys and Girls	Carol Green
Page, Boys and Girls	Beverly Hall
Page, Boys and Girls	Kathryn Wallace
Page, Boys and Girls	Melinda Wilson

Non-Professional (continued)

Position	Employee
Page, Circulation	Samuel G. Smith
Page, Circulation	Sandra Farrell
Page, Circulation	Agnes Mae Douglas
Page, Circulation	John FitzGerald
Page, Circulation	Norman Galinsky
Page, Circulation	Graham Painter
Page, Circulation	Jerry R. Jeffrey
Page, Circulation	Thomas M. Moore
Page, Circulation	Brenda Lee Wallace
Page, Circulation	Gordon Woodyard
Page, Extension	John Tickle

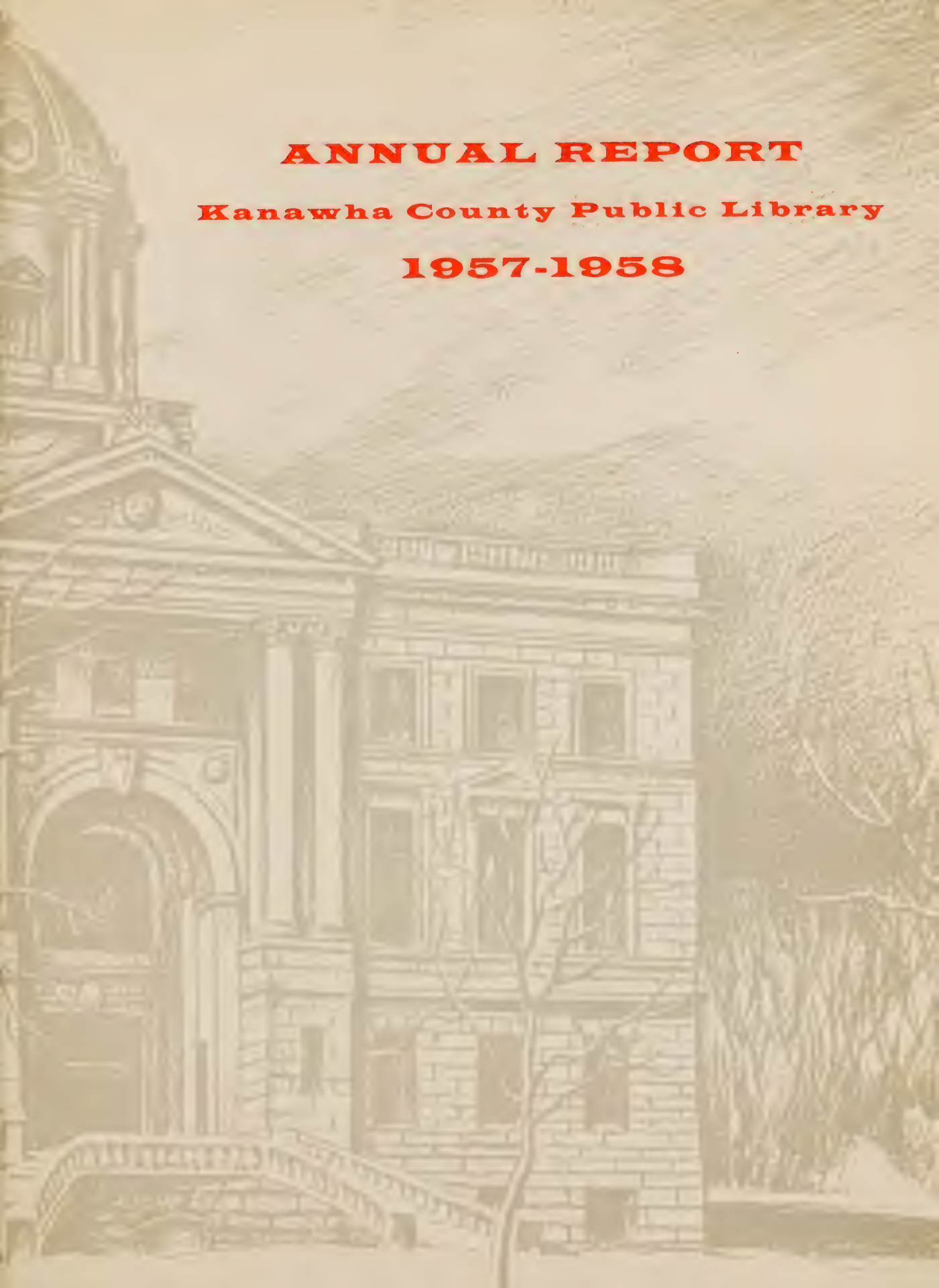
Building Staff

Building Superintendent	Charles B. Lander
Janitor	Robert Dawkins
Janitor	Fred Skiles

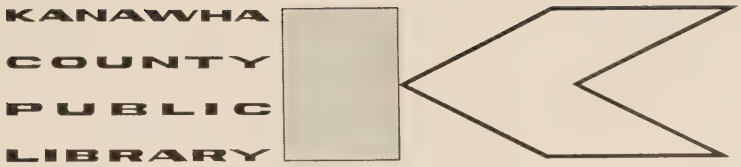
ANNUAL REPORT

Kanawha County Public Library

1957-1958



Our cover is from an original etching of the Kanawha County Public Library by James Swann, courtesy of Frankenberger's



BOARD OF DIRECTORS

John V. Ray, President
Arthur Hanson, Vice-President

Margaret Anderson
Hester Brown
Roy Bird Cook
W. E. Chilton, III
C. C. Dickinson, Sr.
Virgil L. Flinn (deceased)
Sydney M. Kleeman
L. K. Lovenstein
John D. Maurice
Walter C. Phillips (deceased)
John A. Pianfetti
Leonard Riggleman
Donald C. Shonk
R. L. Sibley (deceased)
Charles A. Williamson
John A. Young

Nicholas Winowich, Library Director and Secretary of the Board

LIBRARY STAFF

Professional

Frances Alderson
Sura Bart
Wilma Brown
Jane Brugger
Juliette Bryson
Ida Bullen
Ruth E. Figgatt
Frances Gerard
Margaret Hilliard
Robert F. Simmons

Non-Professional

Lorena Ammar
Carol Ash
Sue Copen
Marjorie Cooke
Betty Jo Estep
Gladies Evans
LaDonna Evans
Evan Hall
Joyce Isner
Patricia McNellan
Paula Pfost
Mary Perriello
Betty Sexton
Laverta Spurlock
Ninnetta Mae Thomas

Building Staff

Charles B. Lander, Building Superintendent
Robert Lee Dawkins
Fred Skiles

17 Additional Part-Time Staff Members

KANAWHA COUNTY PUBLIC LIBRARY

ANNUAL REPORT, 1957-1958

To the Library Board of the Kanawha County Public Library —

The Director's annual report for the period July 1, 1957, to June 30, 1958, is herewith submitted:

The year 1957/1958 must certainly go down in the history of the Kanawha County Public Library as the memorable year. In addition to the usual stresses and strains of library operation and administration, the financial uncertainty for many months was uppermost in our minds. Expenditures which were limited at best were kept at a minimum. However, at a most opportune time the Supreme Court of Appeals of West Virginia unanimously upheld the constitutionality of the Kanawha County Public Library Act enacted by the West Virginia Legislature (Chapter 148 of the Acts of 1957).

The Supreme Court said in its opinion:

> "That huge sums of money have been expended in this state pursuant to statutes, city ordinances, or orders of county courts for the physical development or pleasure of its citizens is common knowledge. Football stadiums, baseball parks, 'field house,' recreation centers, golf courses, swimming pools, public parks and other public recreational and entertainment areas exist in all sections of the state. Public libraries are scare. However, we find that they are as much a public function as are the other enterprises heretofore mentioned. The importance of physical development cannot be minimized, and the importance of mental development must not be minimized. . . . The use of approximately 750,000 books annually by the citizens of Kanawha County indicates that there are many who agree with Milton that: 'a good book is the precious life blood of a master spirit, . . .'."

The Kanawha County community is indeed indebted to the many individuals and groups who worked so diligently with confidence and vision toward the successful realization of the Kanawha County Public Library statute.

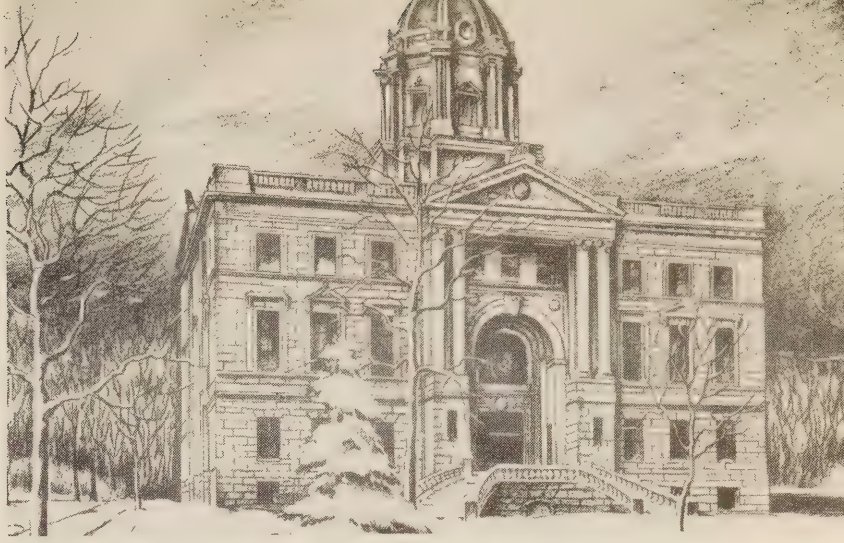
In 1956/1957 and 1957/1958 more people made greater use of the library's services and facilities than in any previous two-year period. Circulation of library materials remained high and registration of borrowers continued to grow at a rapid pace.

. . . many things for many people . . .

And yet, it should be pointed out, one does not measure the success or failure of a library program by merely citing circulation and registration figures. An effective library program offers a great deal more to the community it serves. It takes more than books, building and bookmobile to make a library. The effectiveness of any organization is largely measured by the quality of its staff. In order for library services to be effective and satisfactory there must be an adequate and competent staff which with intelligence and imagination is capable of collecting and organizing library materials and interpreting these materials to the library patron.

The Kanawha County Public Library does many things for many people. Here, as across the nation, people recognize and appreciate the role of the public library. They like what they get and want more of it as the years go by.

. . . they like what they get and want more of it . . .



KANAWHA
COUNTY
PUBLIC
LIBRARY

HISTORY

The history of the Kanawha County Public Library begins in July, 1908, when a committee of the Woman's Kanawha Literary Club was appointed to organize action in support of a public library for Charleston.

Their plans became a reality when on June 3, 1909, with a few hundred books and one librarian, the Charleston Library was opened to the public. Its quarters were in the Y.M.C.A. Building on Capitol and Washington Streets with Miss Mabel Delle Jones as the first librarian.

In the early years of its existence, the library's quarters were changed frequently. The first move occurred in the summer of 1912 when the Y.M.C.A. needed space to accommodate its own expanding services. Rent-free rooms were provided by the First Presbyterian Church on Quarrier Street and the library moved into the former residence of the pastor. On May 15, 1913, the library was moved to the Y.W.C.A. Building on Virginia Street, just east of McFarland. On September 3, 1914, the library secured quarters at McFarland and Kanawha Streets (Kanawha Boulevard). The library remained here until March, 1921, when it moved to the Red Cross Building on the levee near Capitol Street. Finally, in May, 1926, the library moved to its present site.

The present home of the Kanawha County Public Library is the old Capitol Annex Building located at Lee, Hale, and Dickinson Streets in downtown Charleston. The building was erected in 1904, adjacent to the old state capitol, to house the West Virginia State Supreme Court, the Auditor's and Treasurer's offices and the offices of the Adjutant General. Later the West Virginia Department of Archives and History occupied the top floor.

In 1934 the Charleston Library became the Kanawha County Public Library.

Organizations and institutions such as the Red Cross, Boy Scouts, Morris Harvey College, State Teachers Retirement Board, and the West Virginia State Medical Association also have maintained offices in the building at one time or another; and since 1949, when it was incorporated, the Charleston Children's Museum has occupied rent-free quarters in the building.

KANAWHA COUNTY PUBLIC LIBRARY

. . . How It Can Serve You

The Kanawha County Public Library has a collection of 171,414 books designed to meet the reading needs of the whole family. The library has four public departments with a staff of professional librarians who are specialists in their fields.

BOYS' AND GIRLS' DEPARTMENT

BOOKS for children — picture-book age to the ninth grade.

STORY HOUR and PUPPET SHOWS are regular features.

A SPECIALIST in CHILDREN'S LITERATURE is available for school and community meetings.

Collections of BOOKS for CLASSROOM USE are available to teachers.

Department sponsored READING CLUBS encourage school children to read more and to develop sound reading habits.

CIRCULATION DEPARTMENT

You may borrow the latest BOOKS in many fields.

Brief and up-to-date information can be obtained from 17,000 PAMPHLETS covering 800 subjects.

If you like music, borrow PHONOGRAPH RECORDS from the collection of 1,428 recordings.

The PICTURE COLLECTION has 900 subjects and over 18,000 pictures.

The teen-age group has the YOUNG ADULT COLLECTION of books selected from the best to serve its interests.

FILMS are available to community groups or individuals who live in Kanawha County and who can provide a 16mm sound projector.

Individual reading guidance is provided by professional librarians through our READERS' ADVISORY SERVICE.

EXTENSION DEPARTMENT

County residents use the services of the EXTENSION DEPARTMENT.

The BOOKMOBILE, accompanied by a professional librarian, is a traveling library with a collection of 3,200 books for all ages and interests.

DEPOSIT COLLECTIONS of 100-200 books may be borrowed by schools and responsible community groups for periods of several months.

Collections of BOOKS for CLASSROOM use are available to county school teachers.

READING CLUBS for county school children are sponsored by the department to encourage school children to read more and to develop sound reading habits.

REFERENCE DEPARTMENT

A WORLD of INFORMATION.

Your TELEPHONE can be used for QUICK REFERENCE SERVICE.

You will find 406 outstanding MAGAZINES to give you information and pleasure.

The department has many SPECIAL INDEXES which make it possible for trained librarians to find quickly information in books and periodicals.

The leading FINANCIAL SERVICES are yours to use.

Back issues of newspaper and magazine titles are available on MICROFILM.

The library subscribes to 21 of the nation's leading NEWSPAPERS.

The large file of out-of-town TELEPHONE DIRECTORIES can be of great help.

The excellent collection of BUSINESS DIRECTORIES can save you time and money.

You will find a large collection of COLLEGE CATALOGS.

WEST VIRGINIA and LOCAL HISTORY material are available for use in the library.

SPECIAL SERVICES

READING LISTS for information and pleasure.
Special BOOK LISTS can be prepared for college, business, church groups, clubs, and industry.
INTER-LIBRARY LOANS can be arranged for books not in our own book collection.

Activity remains at a high level . . .

BOYS' AND GIRLS' DEPARTMENT

Activity in the Children's Room remains at a high level. The circulation of books and registration for library cards is encouraging. A total of 202,268 books were circulated by the department in the year just completed. The department issued 3,779 borrowers' cards and it has a total registration of 10,204.

By introducing the wonderful world of books to children as well as parents, the department strives to develop an appreciation for reading. Our program includes story hours, talks before P.T.A. groups, sponsorship of reading clubs, library visits by kindergarten and elementary classes, and co-operation at the local level with such national children's book and reading projects as Children's Book Week, National Library Week, and the Children's Spring Book Festival.

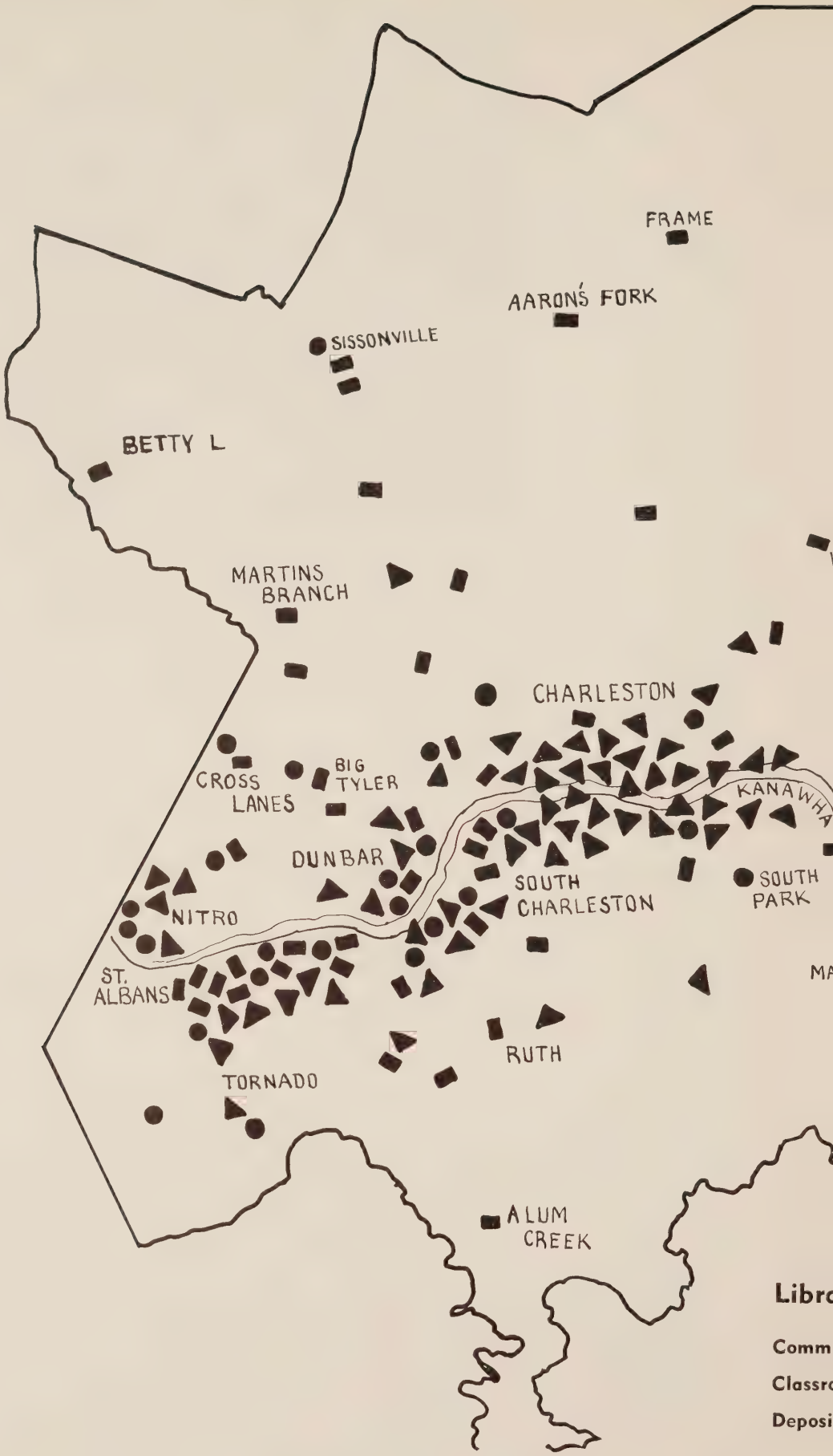
The need for more shelf space was solved with the installation of additional shelving in the area adjacent to the main room. By removing unnecessary equipment we were able to add 44 feet of shelving which can accommodate approximately 2,200 books.

BUILDING AND GROUNDS DEPARTMENT

The library interior is neat, clean and orderly. Proper care and maintenance of a building depend on its custodial staff. Fortunately, the library has a well-planned janitorial program and conscientious workers who diligently strive to make the Kanawha County Public Library a pleasant place to visit.

The building superintendent and his staff are still waging a sometimes successful battle in our war against pigeons and starlings.

Improved lighting in the business office and extension department is certain to add to efficiency and satisfaction.



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THREE MILE SCHOOL
PINCH
QUICK
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RAND
WARD
HUGHESTON
MONTGOMERY
GLASGOW
CEDAR GROVE
PRATT
CROWN HILL
EASTBANK
BELLE
CHESAPEAKE
GALLAGHER
STANDARD
CHELYAN
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KAYFORD
Map of Kanawha County
Bookmobile Stops
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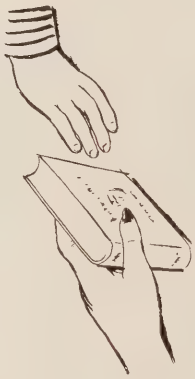
CATALOG DEPARTMENT

The department is responsible for purchasing, cataloging and processing all materials added to the library's collection. In the year just completed, a total of 8,902 volumes were added to the book collection, 1,583 of which were acquired through gifts. The total acquisitions figure represents a decrease of 9 per cent from the previous year when 9,673 volumes were added. Due to financial uncertainty most of the books marked for purchase could not be ordered until the final quarter. In May, cartons of new books arrived daily and even with the assistance of other staff members it was not possible to complete processing and counting in time for this year's statistical report.

As of June 30, 1958, the library has on hand a total of 171,414 volumes.

Boys and Girls	51,237
Circulation	55,715
Extension	36,460
Reference	18,874
Bound Periodicals	8,203
Microfilm	925
	171,414

CIRCULATION DEPARTMENT



The job of the Circulation Department is to build and maintain a circulating collection of books and related materials for adult use. Professionally trained librarians are on duty to assist readers in their choice of these varied materials. In addition, the department directs youth activity by providing the young adult with recreational and informational reading which also serves to introduce the high school student to adult literature and to other public library resources.

A total of 132,122 books were circulated by the department in the year just completed. The department issued 6,548 borrowers' cards and it has a total registration of 12,542.

A children's author visits . . .

Exhibits . . . interesting, attractive, informative

Exhibits

The library is proud of the role it plays in providing space for interesting, attractive and informative exhibits. It draws upon its own resources as well as making use of materials available through individuals and groups from the local community. In each case the exhibit relates to a public library function — books, reading, or services.

Phonograph Record Collection

The library owns 1,428 records of varying speeds — 33 1/3, 45 and 78 rpm. Circulation of discs increased 4 per cent in 1957/1958 over that of the previous year. The library purchases only long-playing records or albums of classical and semi-classical music, recitations, and foreign language. These additions are further supplemented by friends who give records to the library. Many patrons tell us they prefer to listen to the library's copy before deciding on a purchase of their own.

EXTENSION DEPARTMENT

One of the more familiar sights on the road today is our bookmobile traveling to and from the many sections of the 913 square miles of Kanawha County — extending library service to unserved areas. In 245 days the "library on wheels" traveled a distance of 12,118 miles and made 1,012 scheduled stops. Its shelves can conveniently carry 3,200 selected books to meet the reading needs and tastes of children, young people and adults. The bookmobile numbers 6,735 patrons who own library cards, 4,366 of whom are children. A total of 370,792 books were circulated by the department in the year just completed. Last year the department issued 2,215 borrowers' cards.

Extending library service to new areas

The department has been without the services of a full-time assistant extension librarian since December, 1957. In April, 1958, an applicant was accepted who will join the staff in September. In the interim we have used members of our own staff as well as qualified and experienced substitutes.

The department lent a total of 17,845 books to 525 grades in 60 county schools. It is estimated that 13,000 children make use of deposit collections.

There are on indefinite loan at the St. Albans Library 2,400 books and at the South Charleston Library 1,400 books. In answer to specific requests an additional 317 books were lent to these community libraries.

In April, 1958, the department initiated a new service whereby each of Charleston's eight fire stations is provided with a selected collection of books deposited for a limited time and changed frequently. The project has been well received and it is hoped that the program can be expanded to offer similar services to other organized fire departments in Kanawha County. The purpose of such a program is to encourage and broaden reading interests and to acquaint the firemen with the many resources of the Kanawha County Public Library.

REFERENCE DEPARTMENT

The Reference Department enjoyed increased patronage, made limited additions to its facilities and acquired new books and non-book materials to meet growing demand.

The department recorded a total of 3,629 reference questions, 1,263 of which were made by telephone.

Mrs. Ida Bullen, reference assistant, resigned June 30, 1958, and was replaced by Miss Hazel Fisher, an experienced and capable librarian.

CENSORSHIP

A public library belongs to all the people it serves and must provide books to satisfy a tremendous variety of readers. To ban books from our collection because some of our readers feel they should be kept from others would inevitably result in a poor library or none at all. The Kanawha County Public Library follows the traditional pattern of book selection as taught in the nation's library schools and practiced in America's public libraries. Our book selection is done by trained, conscientious and experienced librarians.

The Kanawha County Public Library maintains that the freedom to read is essential to our democratic way of life and that it must fulfill its obligation to uphold the American doctrine of freedom of speech and press. We subscribe to the American Library Association's BILL OF RIGHTS that censorship of books, "urged or practiced by volunteer arbiters . . . must be challenged . . . in maintenance of their responsibility to provide public information and enlightenment through the printed word." In administering this policy the library tries to keep a true balance between its duty to make available honest presentation of both sides of every public question and its determination not to allow itself to be used as a propaganda agency by any person or group of persons.

PUBLICITY — PUBLIC RELATIONS

It has been said that publicity is what brings the patron to the library, but it is good public relations which keep him coming back. Each staff member is fully aware of the need for providing courteous, prompt and efficient service. To get the most from a library, people have to realize the infinite scope of its resources. The library makes use of exhibits, special interest reading lists, bibliographies, newspapers, and radio and television publicity, in its effort to introduce the library — its services and facilities — to the community. We are also fortunate in having many pleased customers who tell others how the library has helped them.

Because the telephone plays an important role in providing an extension of public library services, a film entitled, "Telephone Courtesy," was shown to all employees.

Boys and girls use facilities . . .

Because it is important for all library correspondence to be neat, attractive and correct, several letter workshops were conducted for the benefit of all clerical employees.

LIBRARY BOARD

At the annual meeting on July 1, 1957, Mr. John V. Ray was elected to the office of President and Mr. Arthur Hanson was elected Vice-President.

It is with profound sorrow that we record the death on August 16, 1957, of Dr. Robert L. Sibley and of Mr. Virgil L. Flinn on November 5, 1957. Appointed to the Library Board August, 1950, Dr. Sibley served faithfully with interest and enthusiasm for the Kanawha County Public Library. Mr. Flinn always gave full support to the improvement of the Kanawha County Public Library serving with ability and distinction as an active and valuable member of its governing body from October, 1937, to the time of his death. The knowledge and advice of both men on library matters contributed immeasurably to the growth and development of this library.

It is with deep regret that we also record the passing of Colonel Walter C. Phillips, U. S. Army, Retired, who died at his home in St. Albans, July 17, 1958. The Library Board acknowledges the loss of a man who meant much to his community, his State and who served his Nation with valor and distinction. Colonel Phillips became a member of the Kanawha County Public Library Board in 1949; he constantly gave a full measure of support to its aims, its purposes and in every way contributed to its growth and welfare.

ACKNOWLEDGMENTS

An expression of thanks and appreciation is extended to the Charleston Daily Mail and the Charleston Gazette for their splendid editorials and news coverage during the past year.

To the many kind friends of the Kanawha County Public Library who presented gifts of books, periodicals and phonograph records and to the many who volunteered freely of their time and effort to aid us in such tasks as providing and arranging exhibits and decorations, mending, pasting and shelving, we extend our thanks.

Respectfully submitted,
Nicholas Winowich
Director

KANAWHA
COUNTY
PUBLIC
LIBRARY

KANAWHA COUNTY PUBLIC LIBRARY

STATISTICAL REPORT

July 1, 1957 — June 30, 1958

Population served: 239,629 (1950 census).

Opened to the public June 3, 1909. First library quarters located in the Y.M.C.A. Building on Capitol and Washington streets.

AGENCIES

Main Library	1
Bookmobile	1 (48 scheduled stops)
Fire Stations	8
Deposit Stations	Schools 60 — Schoolrooms 525
Teacher Collections	391

BOOK CIRCULATION

	1957/58	1956/57
City Circulation		
Borrowed from Main Library		
Boys' and Girls' Department	202,268	231,072
Circulation Department	132,673	134,273
	334,941	365,345
County Circulation		
Borrowed from Extension Department		
Bookmobile	111,182	111,558
Deposit Collections	259,610	246,933
	370,792	358,491
TOTAL ANNUAL CIRCULATION	705,733	723,836

BOOK STOCK

Number of volumes at end of year	171,414	165,866
Number of volumes added	8,902	9,762
Number of volumes withdrawn	3,354	4,032
Number of periodicals received	406	395
Number of newspapers received	21	19

REGISTRATIONS

Total number of registered borrowers	35,878	33,698
Total number registered during year	12,532	11,985
Children estimated to use deposit collections, in addition to the above	12,840	12,840

Time required of staff: 40 hours a week

AUDIO-VISUAL MATERIALS

Microfilm Reader	1
Record Player	1
Phonograph Records	1,428
Motion Picture Films	6
(Indefinite loan to Kanawha County Public Library)	
Microfilm (reels)	925
Phonograph Records Circulated	10,786

KANAWHA COUNTY PUBLIC LIBRARY

RECEIPTS AND EXPENDITURES

July 1, 1957 — June 30, 1958

RECEIPTS

Board of Education of the County of Kanawha	$ 83,800.00
The County Court of Kanawha County	83,800.00
City of Charleston	33,500.00
Fines, rentals and miscellaneous receipts	7,602.00
TOTAL RECEIPTS	$208,702.00

DISBURSEMENTS

Salaries

Staff Salaries		$102,886.56

Books

Books	$27,755.99	
Audio-Visual Material	700.45	
Binding	1,894.33	
Periodicals	1,818.45	32,169.22

Building and Other Expenses

Building Staff — Salaries	$ 8,343.39	
Repairs and Maintenance	4,228.94	
Utilities	5,072.29	
Service Contracts	957.75	
Building Supplies	902.63	
Office and Library Supplies	2,824.49	
Insurance	602.13	
Vehicles Supplies	1,244.79	
Furniture and Equipment	955.02	
Travel	663.71	
Printing	274.50	
Memberships	87.00	
Contingencies	2,335.74	
Social Security	2,126.07	30,618.45
TOTAL DISBURSEMENTS		165,674.23

UNEXPENDED BALANCE

(Budgeted for capital improvements)	$ 43,027.77

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